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House of Representatives

The House met at 12:30 p.m. and was called to order by the Speaker pro tempore (Mrs. BIGGERT).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
October 12, 1999.

I hereby appoint the Honorable JUDY BIGGERT to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

MESSAGE FROM THE SENATE

A message from the Senate by Mrs. McDevitt, one of its clerks, announced that the Senate had passed without amendment a bill of the House of the following title:

H.R. 560. An act to designate the Federal building and United States courthouse located at the intersection of Comercio and San Justo Streets, in San Juan, Puerto Rico, as the ''José V. Toledo Federal Building and United States Courthouse''.

The message also announced that the Senate had passed with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 858. An act to amend title 11, District of Columbia Code, to extend coverage under the whistleblower protection provisions of the District of Columbia Comprehensive Merit Personnel Act of 1978 to personnel of the courts of the District of Columbia.

The message also announced that the Senate has passed bills of the following titles in which concurrence of the House is requested:

S. 1567. An act to designate the United States courthouse located at 223 Broad Street in Albany, Georgia, as the ''C.B. King United States Courthouse.''

S. 1595. An act to designate the United States courthouse at 401 West Washington Street in Phoenix, Arizona, as the ''Sandra Day O'Connor United States Courthouse.''

The message also announced that pursuant to Public Law 105–277, the Chair, on behalf of the Majority Leader, announces the appointment of the following individuals to serve as members of the Parents Advisory Council on Youth Drug Abuse—

Robert L. Maginnis, of Virginia (two-year term); and

June Martin Milam, of Mississippi (Representative of a Non-Profit Organization) (three-year term).

MORNING HOUR DEBATES

The SPEAKER pro tempore. Pursuant to the order of the House of January 19, 1999, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to 30 minutes, and each Member, except the majority leader, the minority leader, or the minority whip, limited to 5 minutes.

The Chair recognizes the gentleman from North Carolina (Mr. JONES) for 5 minutes.

CALLING FOR MORATORIUM ON ANTHRAX VACCINE UNTIL LONG-TERM SAFETY IS DETERMINED

Mr. JONES of North Carolina. Madam Speaker, for the past several months, I have taken a strong interest in the Department of Defense's mandatory anthrax vaccine program. The Third District of North Carolina, which I am proud to represent, has a large military presence that has increased my awareness to the anthrax vaccine. As a result, it has also raised my level of concern about the safety, the efficacy and necessity of the vaccine for our men and women in uniform. Given the lack of information we have about the shot, it is not surprising that a growing number of our Nation's Reserve, Guard and active duty members are choosing to leave the service rather than take a potentially unsafe vaccine. The harmful effects this issue is having on the readiness of our Nation's military is the driving force behind my efforts to change the mandatory nature of the program.

Recently the Washington Post featured an article about the overdue anthrax inoculations intended for our reserve force. The paper reported that these delays might threaten the effectiveness of the anthrax vaccine. However, even if the shots are administered on schedule, there is little, if any, evidence supporting an exact number of shots that are needed to reach immunity.

Despite the lack of information, the anthrax vaccine is currently being administered to our troops in a series of six shots followed by an additional shot each year the individual serves. A man or woman who serves our Nation for 20 years must receive over 25 separate anthrax vaccinations. As the Post reported, only 350,000 of the 2.4 million military personnel scheduled to take the vaccine have received their first shot. Current figures indicate that less than 1500 have received all six shots.

Madam Speaker, the Department of Defense reports that it has evidence of only 300, 300 adverse reactions and 200 personnel refusing the vaccine, but there are still millions of vaccines left to be administered. While we wait for every member of the military to receive their full course of shots, we risk losing even more military personnel who resign to avoid their anthrax vaccine date.

Madam Speaker, it costs millions of taxpayers' dollars to train each of our men and women in uniform to defend this Nation. We cannot afford to lose even one soldier, sailor, airman, or marine to a vaccine that has many questioning its safety and efficacy; but it

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seems that the more time passes, the more troops we lose and the more questions surface about the current program.

The relationship between the Department of Defense and BioPort, the only company that produces the anthrax vaccine, is beginning to draw concerns. BioPort is not even licensed by the Food and Drug Administration to manufacture the anthrax vaccination. Now despite its financial failings, the Department of Defense has doubled the amount of its original contract with BioPort. This aspect of the program alone has caused concerns among those who must take the shot.

Madam Speaker, the need to protect our United States military from potential chemical and biological warfare is critical, but we cannot accept the risk of exposure as the only reason to mandate the shot and ignore the lack of information on the long-term safety of the vaccine. If the anthrax vaccine is safe and can effectively combat the threat of anthrax for our military, the Pentagon has failed to convince the very people it is trying to protect. The questions being raised are serious, legitimate questions that must be addressed in order to ensure our military receives the answers it needs.

I introduced legislation this summer to make the current anthrax vaccine program voluntary. My colleague, the gentleman from New York (Mr. GILMAN), introduced a bill to institute a moratorium on the program until more testing can determine it is long-term safety.

Madam Speaker, we are becoming more reliant upon our reserve force to help defend the security and interests of this Nation. If these men and women are concerned that the shot is unsafe, the morale and readiness of our military is severely threatened. Then we stand to lose more of the bright, capable, and trained individuals who represent the very strength of the country. I cannot stand by and watch this happen.

Let me assure our men and women in the military that I will continue with my colleagues to pursue the issue until we can be sure that the anthrax vaccine is safe, effective and necessary.

THE POST OFFICE COMMUNITY PARTNERSHIP ACT

The SPEAKER pro tempore. Under the Speaker's announced policy of January 19, 1999, the gentleman from Oregon (Mr. BLUMENAUER) is recognized during morning hour debates for 5 minutes.

Mr. BLUMENAUER. Madam Speaker, I am pleased by the national attention to ways to make our communities more livable by this I mean our families safe, healthy, and economically secure; and ways to give our citizens a real voice in the decisions that impact their communities; and a special emphasis on simple, low-tech, low-cost but high impact solutions.

The Federal Government can make a huge difference in the liveability of our communities without new rules, regulations, fees and taxes for Americans and business. We can do so by having the Federal Government simply lead by example; work that is being done by the General Services Administration, for instance, and how they manage over 300 million square feet of office space in our inventory. Another area with tremendous potential is the Post Office which touches over 40,000 different areas across the country and most Americans six times a week.

Momentum is growing with over 100 House cosponsors for H.R. 670, the Post Office Community Partnership Act. Last week before the Senate Government Affairs Committee, there was a hearing, and I could not agree more with the testimony provided by the National Association of Home Builders. They stated, and I quote: As home builders, our members abide by local zoning, permit, and building code laws in order to develop responsibly and preserve the integrity of communities. The United States Postal Service, however, is currently not required to adhere to State or local codes when relocating, closing, consolidating, or constructing facilities.

This noncompliance undermines the economic and social well-being of communities by permitting the Post Office to build new facilities or modify existing facilities without regard to local plans for growth or traffic management, environmental protection, and public safety. The National Association of Home Builders strongly believes that the Federal Government should follow the same rules as it expects the American public. That is why we support the Post Office Community Partnership Act.

I could have quoted from similar testimony from the Sierra Club, sort of a strange partnership that we do not see too often between the home builders and the Sierra Club, or a coalition composed of the National Association of Counties, League of Cities, Conference of State Historic Preservation Officers, Conference of Mayors, Preservation Action, American Planning Association and the International Downtown Association, the National Trust for Historic Preservation and the National Alliance of Preservation Commissions. They stated as recently as last year the Post Office attempted to evade local clean water standards in Tallahassee, Florida and ignore local laws put in place in Ball Ground, Georgia, which were an attempt to meet Federal clean air standards. These actions would be criminal if they were attempted by a private company but are merely shameful when pursued by the Postal Service.

Comedian Lilly Tomlin's annoying and sadistic telephone operator, Ernestine, made popular the notion we do not care because we do not have to, we are the phone company. Well, the laughter that that provided was a bit bittersweet in part because of the grain of truth that was embedded. In today's competitive world with higher citizen expectations, it is time for the Post Office to care because they want to and because they have to start leading by example.

I strongly urge my colleagues to join me and over 140 House cosponsors of H.R. 670, the Post Office Community Partnership Act.

SAY NO TO COMMUNIST CHINA'S ENTRY INTO THE WORLD TRADE ORGANIZATION

The SPEAKER pro tempore. Under the Speaker's announced policy of January 19, 1999, the gentleman from California (Mr. ROHRABACHER) is recognized during morning hour debates for 5 minutes.

Mr. ROHRABACHER. Madam Speaker, who is watching out for America? That is the question of the day. Supposedly that is our first responsibility as elected officials, watching out for the United States of America. Today, however, too many Americans with power and influence do not consider watching out for our country's interests and the well-being of our people to be their priority. Today we constantly hear about globalism, and we constantly hear the words world economy as if the development of this new world order is the goal of America's leadership. Madam Speaker, that is their goal, and sometimes that goal is antithetical to the best interests of the people of the United States. But our leaders move forward blithely as if they are part of an altruistic historic movement in which leaders throughout the planet are sheparding all of human kind into a homogenous world.

It is not working according to plan. The world is not becoming this one world place where idealism reigns and people are acting together in a peaceful manner and an honest manner. It just does not seem to be acting according to their plan. The dream of our globalists is becoming a nightmare, especially for the national security interests of the American people and the potential for the spread of real democracy and individual liberty throughout a substantial portion of this planet.

One of the problems the globalist dreamers in the United States refuse to acknowledge is that leaders of most of this world's power blocks are not playing the game. Surprise, surprise, surprise; those people, those leaders in other parts of the world, are basing their decisions on what is best for their own countries and their own peoples and not with some overall view of the planet.

America's relations with Communist China, with the Communist Chinese dictatorship, is a disgrace. It is a total rejection of the ideals upon which our country is founded, but again reflect the ideas that are the basis of our decision-making towards China. The fact that we have treated China in a way in order to harmonize our relations with the world with a new world order in order to make China part of a world

trading organization, the fact that we have treated them in this way, which is often quite irrational for the moment, has this made us and made the world any more prosperous? Has it made peace any more likely? Is China any closer to democratic reform?

The answer is no, no, no; and yet we still have people here who are pushing to put China into the World Trade Organization, the equivalent of putting the local Chicago gangster into the Chamber of Commerce hoping that that would change that gangster's ways. Well, we do not need Al Capone in the Chamber of Commerce, and we do not need Communist China in an organization that will make the decisions about trade and commerce the production of wealth throughout the world.

But even our relations with our democratic European allies are working against us with China, with our relations with China because we have had a decision-making process based on some sort of global concepts rather than the interests of the United States. The people of the United States are being put at a disadvantage by trade and our national security is being gravely threatened.

□ 1245

But as I say, even our relations with our democratic European allies are working against the interests of the American people. Because as much as America's elite refuses to recognize it, our European friends are watching out for their own interests. They are not watching out for us; they are not watching out for the world. Our European allies are treating us like we are suckers, and, of course, we are.

Through NATO, we are subsidizing the defense of a portion of this planet that has a higher standard of living and higher gross national product than our own. We are fighting their battles. And, while we give most-favored-nation status to developing countries like China, and actually to the detriment of our own people, our European allies through the European Union are raping other countries, other developing countries, especially in Eastern Europe.

Madam Speaker, I would suggest that we need a new way of thinking in Washington that watches out for the interests of the people of the United States.

LET US NOT REIGNITE THE ARMS RACE

The SPEAKER pro tempore (Mrs. BIGGERT). Under the Speaker's announced policy of January 19, 1999, the gentleman from Massachusetts (Mr. MARKEY) is recognized during morning hour debates for 5 minutes.

Mr. MARKEY. Madam Speaker, the American public deserves a full, deliberate, considered, informative debate on the Comprehensive Test Ban Treaty. Instead, the Republican Senate is conducting a caricature of a debate structured to obscure understanding and to maximize political gamesmanship by springing the subject on to the Senate calendar and forcing a momentous vote on a moment's notice.

The Republican leadership is giving jack-in-the-box treatment to the ultimate black box subject of nuclear annihilation. Where is the statesmanship? Where is the sober and solemn consideration of the special role that the United States must play in the stewardship of the world's nuclear stockpiles? If we rush to judgment, we will crush the confidence of our cosigners and spur the proliferation of nuclear weapons in an unpredictable world.

We must not reignite the arms race. We must not let the nuclear bull out of the ring to run wild through the streets of the world.

The Cold War is over. This is a time to de-alert and dismantle nuclear weapons. Instead, the Republican leadership is bent on destroying the treaty to control them. This is not brinkmanship; this is not statesmanship. This is irresponsibility on a global scale.

We no longer test nuclear weapons in the United States. George Bush stopped the nuclear testing. So if we are not going to test nuclear weapons in the United States, which we have not, why in the world should we not sign a treaty 7 years later that allows us to monitor every other country in the world to guarantee that they are not testing nuclear weapons?

Madam Speaker, the reality is that without this treaty there can be clandestine tests that allow other countries in the world to catch up with us. The signing of this treaty ensures that we have hundreds of monitoring devices around the world strategically placed to ensure that there is no testing because, in fact, the treaty mandates on-site inspection. That is right.

If we detect, through the seismological equipment or any other means, that there is a suspicious activity taking place in any country in the world, that country must allow us and the world to go in and to look at what they are doing, if they are testing. Then, the United States, which has decided unilaterally during the Bush administration, and has continued right through the Clinton years, not to test, will have the ability to ensure that there has been a technological homeostasis, a technological stay which has been put in place where we keep our lead.

Madam Speaker, there is no more important issue which we can debate than whether or not at the end of the millennium, the gift which we can give to the next millennium, is that we have resolved this issue of whether or not the countries of the world will continue to test nuclear weapons. The disease, the famine, the wars of this millennium should be something which we do not pass on to the next millennium.

We should be trying to find ways of ensuring that we are going to deal with the AIDS crisis in Africa. We should try to find ways in which we are going to deal with the debt crisis of the Third World, and we should try to find some way in which we end the specter of nuclear weapons which has hung over this planet for the last 50 years of this millennium. There can be no more important issue.

So, Madam Speaker, let us hope that today in the Senate that enough Members stand up to be recognized in support of a treaty which will allow us to continue to spread a regime of controls which will limit, if not eliminate, the likelihood that we will face the day when we stand here and face the fact that a nuclear accident or a nuclear weapon was used.

The least that the Senate should be able to say, the least that all of us should be able to say when those nuclear weapons are about to be used is that we tried; we really tried to put an end to this nuclear threat which hangs over the world. Let us hope today that the United States Senate does the right thing.

CONGRESS MUST NOT ROLL BACK TRUCK INSPECTION SAFETY

The SPEAKER pro tempore. Under the Speaker's announced policy of January 19, 1999, the gentleman from Virginia (Mr. WOLF) is recognized during morning hour debates for 5 minutes.

Mr. WOLF. Madam Speaker, today I stand up for the 5,374 families who have lost loved ones in truck accidents last year, and to note that the Congress could be about ready to walk away from them. If we take a look at this photo, it is a photo of an accident involving a truck whereby individuals were seriously injured and perhaps killed.

This House voted overwhelmingly for the Transportation Appropriations Conference Report, which included a provision requiring change in the way the Federal Government conducts oversight of the trucking industry.

Each year, more and more commercial motor vehicles are driving more and more miles and more people are dying. Currently, these vehicles are involved in 13 percent of all traffic fatalities, even though they represent only 3 percent of all registered vehicles in the Nation. Whether one is concerned about this issue or not, I would hope that Congress would direct itself to what activity it may very well be unknowingly doing later on this afternoon.

Madam Speaker, 20 percent of the trucks on our roadways today, one in five are so unsafe that if they were stopped and inspected, they would be taken off the road. This problem is equally more serious at our southern borders where, on an average, 44 percent of these trucks are placed out of service. The Department of Transportation's IG has raised serious concerns about the vigor of our Nation's truck safety program. In the past 8 months, he has testified about the poor job that the Office of Motor Carriers has done to oversee truck safety. The Office of

Motor Carriers is charged with monitoring and enforcing, and they are not doing a very good job at all.

The Federal Highway Administration, which controls the Office of Motor Carriers, has not been effective in inducing prompt and sustained compliance. Seventy-five percent of the carriers sampled did not sustain a satisfactory rating, and after a series of compliance reviews, 54 percent have been taken out of service.

I have now been out on three or four truck inspections in the last several months. More than one out of five, sometimes three out of 10 are so unsafe, bad brakes, rusted out, baloney skin tires and many other problems. The compliance reviews are down, meaning the Office of Motor Carriers used to do five compliance reviews per employee per month. Now it has gone down to one. They are trying to get it back up to two. When the IG testified at our hearings, he talked about one trucker who had driven from the West Coast to the State of Virginia in 48 hours, 48 hours, and in the cab there were jars of urine where he did not even stop to go to the bathroom. You wonder why we have such a miserable record, why so many people are dying.

And then, in three short months, under NAFTA, trucks are going to be able to cross the border in Mexico and come into the United States. All of these trucks will be able to go into all of the States in our country, and the IG found recently that Mexico has no hours-of-service requirements, no logbooks are required for truckers, no vehicle maintenance standards, no roadside inspections, no safety rating. When the IG conducted a survey of the effects of NAFTA, he found 44 percent of the trucks were in such poor condition that they were taken off the road immediately. So we can see if these trucks now are permitted to come across the border from Mexico in addition to the unsafe program that we now have.

Because of these findings, the Department of Transportation's IG has said we should move the Office of Motor Carriers, and the National Transportation Safety Board, and many, many others agree.

Today, there may be a vote on the floor under the suspensions calendar that will roll back the efforts that have been made with regard to truck safety. So on behalf of the 5,374 people and their families who have died in truck related deaths, I would hope that Congress would not roll it back. The question is, who controls this place? Will it be the special interests, or will it be the American interests? The Congress took the action it did in the conference report to advance safety. Hopefully, the Congress will not roll it back.

Madam Speaker, I ask people to focus, Members back in their offices, look at this and other pictures that I will bring up today to see if we really want to roll back truck inspection safety. I hope not.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Having reference to an earlier speech this morning, the Chair would remind all Members that it is not in order to urge or advocate action or inaction by the Senate.

QUESTIONING THE CONTINUANCE OF RUSSIAN AID

The SPEAKER pro tempore. Under the Speaker's announced policy of January 19, 1999, the gentleman from Florida (Mr. STEARNS) is recognized during morning hour debates for 5 minutes.

Mr. STEARNS. Madam Speaker, here in Congress we must answer tough questions regarding the continuance of aid to Russia. We, along with the IMF, have pumped billions and billions of dollars into a corrupt system. Is it any wonder that the Russian economy is floundering? How can we stand by while this fraud continues?

Was anyone surprised to learn that Moscow's government and the Russian Central Bank were not following sound banking principles? The indicators have been there since the fall of the Soviet Union that an organized crime establishment was thriving under a weakened Russian Government. Yet, the U.S. Government has continued to loan billions of dollars to this high-risk government.

The amount of Russian aid and the numbers involved in embezzlement are staggering. According to Russian officials, capital flow from the USSR and Russia between 1985 and 1999 was over $120 billion, possibly as high as $200 billion. That is more than the entire foreign debt on the Russian Federation, in and up to 10 times more than the total foreign investment in Russia.

Now, sadly, Madam Speaker, a significant portion of this money was plundered by self-serving Federal and local government officials. We in Congress must acknowledge this catastrophe and take steps to prevent this from happening again.

□ 1300

Even more disturbing is that this money was siphoned off and funneled out of Moscow and mixed with the profit from activities such as prostitution and illegal weapons sales.

Moreover, a Lugano-based engineering and construction company, Mobitex, allegedly opened credit cards and deposited large sums in private accounts for the benefit of president Boris Yeltsin, as well as members of his family and close associates, according to the Swiss authorities.

Madam Speaker, as the scandal unfolds, we must re-evaluate our policy with Russia that has been pursued by the IMF and the Clinton administration. Congress should also review the lax standards applied by the U.S. Government and international financial institutions in the distribution of financial aid to post-Communist and developing nations.

Earlier this year, the IMF and Russian central bank acknowledged the diversion of IMF funds to private companies. There were other reports that the World Bank loans were also misused or embezzled by Russian officials. In fact, one disclosure was a $250 million loan made by the prime minister of Russia and a close ally of Boris Yeltsin at the time.

The extensive abuse of U.S. aid could not have happened had the President, Vice President, and other senior administration officials not aggressively pushed for multi-million dollar loans to keep Boris Yeltsin afloat.

The question, Madam Speaker, occurs with regard to how much did they know. Were there reports about the abuse from the intelligence communities and the FBI? How could this administration continue to support pumping billions more into this flawed system?

Another possibility is that the misuse was overlooked by bankers who had financial gains in assisting with the laundering of this money. They would potentially stand to gain the most if the United States and the IMF continued to prop up the Russian economy. Did political pressure from these bankers help keep the money flowing continually into the Russian economy?

The Committee on Banking and Financial Services has the unique opportunity to stop the abuse associated with Russian assistance. Congress should assess the damage that has been done by this corruption. We must ascertain whether the law has been broken by any U.S. officials or banks.

Within the IMF, what steps are being taken to improve obvious problems with Russian policy? Has the IMF bailout of 1998 significantly improved Russia's economy? I hardly see how the answer could be yes, since the $40 billion short-term bond market, GKO, collapsed, the ruble was devalued by 75 percent, and the rate of inflation increased from 6 percent annually to 60 percent.

Where are the accountability measures? Where are the preventative steps to avoid this happening again? Are due diligence standards or risk assessments being applied to foreign loans? How could between $4.5 to $10 billion, not million but billions, go unnoticed?

Congress must face the music and answer these questions. We cannot continue to line the pockets of corrupt officials.

RECESS

The SPEAKER pro tempore (Mrs. BIGGERT). Pursuant to clause 12 of rule I, the Chair declares the House in recess until 2 p.m.

Accordingly (at 1 o'clock and 3 minutes p.m.), the House stood in recess until 2 p.m.

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. STEARNS) at 2 p.m.

PRAYER

The Reverend Dr. Karl P. Donfried, Professor of Religion, Smith College, Northampton, Massachusetts, offered the following prayer:

Standing as we do in the large confusions of the world not accustomed to peace, we pray, O Lord, gird us with newness of vision that our steps may be straightened to Your will and our decisions enlightened by Your spirit. In the fog and fury of this anguished age, keep the inner world of heart and mind clear and strong, that we be not buffeted from our course by the wild winds of confusion and seas of bitterness. Discipline us to sharpen our insight and open our hearts on all sides and so guide us to make wise judgments. Lay Your hand upon us, O God, that we may be healed and made whole in the fullness of Your love. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Nevada (Mr. GIBBONS) come forward and lead the House in the Pledge of Allegiance.

Mr. GIBBONS led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

WELCOMING REVEREND KARL P. DONFRIED TO HOUSE OF REPRESENTATIVES

(Mr. NEAL of Massachusetts asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. NEAL of Massachusetts. Mr. Speaker, it is an honor for me today to speak this afternoon about a constituent of mine, Reverend Karl Donfried, who offered the opening prayer here in the House of Representatives on this day. I would like to use 60 seconds to both welcome and introduce him to the House of Representatives.

Reverend Donfried is a professor and chairman of the Department of Religion and Biblical Literature at Smith College in Northampton, Massachusetts. He has been a member of Smith's faculty for more than 30 years.

Reverend Donfried is deeply involved in the religious community at Smith College and in the ecumenical movement in western Massachusetts. He developed the Ecumenical School of Theology in Springfield's Christ Church Cathedral, where he has served as the Ecumenical Canon of the Cathedral since 1977.

He chaired the Lutheran Roman Catholic Committee of New England and was appointed to co-chair the New Testament Panel of the National Lutheran Roman Catholic Dialogue.

A theologian and a scholar, Reverend Donfried has taught at Brown University, Amherst College, Mount Holyoke College, and Assumption College.

I use this opportunity today on behalf of the House of Representatives to extend a heartfelt welcome to Reverend Karl Donfried.

REPUBLICANS STOP 30–YEAR RAID ON SOCIAL SECURITY—NO TURNING BACK NOW

(Mr. ARMEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ARMEY. Mr. Speaker, every now and then we get to witness history. We all watched in awe as Mark McGwire and Sammy Sosa shattered the home-run record. We all watched with triumph as the Berlin Wall came down. And, Mr. Speaker, we all watched with splendid anticipation as AL GORE was inventing the Internet.

Well, Mr. Speaker, history has been made again today. This morning the Congressional Budget Office reported that because Republicans have held the line on spending in fiscal year 1999, there was $1 billion of on-budget surplus.

That is right. In fiscal year 1999, Republicans stopped the 30-year raid on Social Security. In fiscal year 1999, Republicans stopped President Clinton from spending Social Security and put the needs of seniors ahead of the needs of bureaucrats. Mr. Speaker, that means that $126 billion in debt reduction has taken place in fiscal year 1999.

Mr. Speaker, we did not spend one penny of Social Security in 1999. We stopped the raid. Mr. Speaker, there is no turning back now.

REGULATIONS COST TAXPAYERS $400 BILLION YEARLY

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, the Gettysburg Address is 286 words. The Declaration of Independence is 1,322 words. Government regulations on the sale of cabbage is 27,000 words.

Mr. Speaker, now if that is not enough to stuff your cabbage roll, regulations cost taxpayers $400 billion a year, $4,000 per every family each and every year, year in and year out.

Unbelievable. It is so bad, if a dog urinates in a parking lot, the EPA declares it a wetland.

Beam me up, Mr. Speaker. I yield back 2,800,000 words in our Tax Code.

RUBY HILL MINE IN EUREKA, NEVADA, RECEIVES EXCELLENCE IN MINE RECLAMATION AWARD

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, for far too long now we only hear the misleading statements from the environmental extremists about the perils of mining.

Well, folks, there is more than fried cabbage here today. There is actually some good news worth listening to.

In my district outside of Eureka, Nevada, the Ruby Hill Mine, owned by the Homestake Mining Company, has received the Environmental Excellence in Mine Reclamation Award.

Yes, my colleagues heard it, mining is good for the environment. This award was given to Homestake Mining Company because they exhibited outstanding innovation in its design, mitigation, and concurrent reclamation progress.

Mr. Speaker, it is important to note that mining and the environment can coexist; they can work together and ensure that the environment is not hurt by mining and that we as Americans can still benefit from mining and enjoy the quality of life that we now know.

I would like to congratulate the Homestake Mining Company for their dedication, forethought, and hard work in demonstrating that mining has learned to work with the environment.

I yield back the balance of my time, Mr. Speaker, and all the negative misconceptions about mining and its importance to our country.

VOTE DOWN H.R. 3036

(Mr. WOLF asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WOLF. Mr. Speaker, here is a picture that I used earlier today of a truck that killed people in a car. Here is another major truck accident.

Today in the House we may very well bring up H.R. 3036, which rolls back truck safety.

In 1998, there were 5,374 deaths with regard to trucks. In 1997, there were 5,398 deaths with regard to trucks.

It is like a major airplane crash taking place every two weeks. If that happened, the Congress would be up in arms.

Why would the Congress now be rolling back what the Congress did with regard to truck safety? H.R. 3036 takes a step backward.

If we do this, every time we pick up the newspaper and see that somebody is being killed in a truck accident, we are going to feel very bad.

I hope that the Congress votes this down if H.R. 3036 comes up.

WHY DID PRESIDENT CLINTON AND AL GORE VETO EFFORTS TO ELIMINATE MARRIAGE TAX PENALTY?

(Mr. WELLER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WELLER. Mr. Speaker, there is an important question that we should be asking every day; and that is, is it right, is it fair that under our Tax Code a married, working couple, a husband and wife, with two incomes pays higher taxes just because they are married? Is it right, is it fair that under our Tax Code 21 million married, working couples pay on average $1,400 more just because they are married?

Back home in the south suburbs of Chicago, a machinist and a school teacher making a combined income of $62,000 pay on average $1,400.

That is 1 year's tuition at Joliet Junior College. That is 3 months' daycare at a local day-care center.

The question of the day, my colleagues, is why did President Clinton and AL GORE veto our efforts to eliminate the marriage tax penalty? Is it because the President and AL GORE want to spend that money rather than eliminating the marriage tax penalty?

When Bill Clinton and AL GORE vetoed our efforts to eliminate the marriage tax penalty, they broke the hearts of 21 million hard-working, married, working couples who should have their marriage tax penalty eliminated.

Mr. Speaker, let us work together, let us work in a bipartisan way to eliminate the marriage tax penalty.

REASON TO CELEBRATE: CONGRESS HAS NOT SPENT ONE NICKEL OF SOCIAL SECURITY ON ANYTHING ELSE

(Mr. KINGSTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KINGSTON. Mr. Speaker, take I–16 right out of Savannah, go about 20 miles west and make a left on Highway 280, go through Pembroke, go through Daisy, and approach Evans County, Georgia, and there on the left-hand side is a little, one-story greenhouse; and in there lives Ms. Edna Thompson. I am going to make up the name, but this is true.

Edna Thompson lives there. She has been a widow for 17 years. She is on a fixed income. We call it Social Security. She always talks to me and worries about what is happening to my Social Security. I hear they are spending money in Kosovo. I hear they are going to increase foreign aid. I hear a lot of things about spending money in new programs. But are they taking it out of Social Security?

Today I can look her in the eye and say, no, ma'am. In 1999, for the first time in modern history, Congress has not spent one nickel of her Social Security.

But do not take my word for it. Today they can get this from the official Congressional Budget Office that, for 1 year, Congress has not spent one nickel of Social Security on anything but Social Security.

It is reason to celebrate.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, September 20, 1999.

Hon. J. DENNIS HASTERT,
The Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, I have the honor to transmit a sealed envelope received from the White House on October 8, 1999 at 3:20 p.m. and said to contain a message from the President whereby he transmits a report on the continued production of the naval petroleum reserves beyond April 5, 2000.

With best wishes, I am
Sincerely,

JEFF TRANDAHL.

CONTINUED PRODUCTION OF NAVAL PETROLEUM RESERVES—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 106–142)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Armed Services and ordered to be printed:

To the Congress of the United States:

In accordance with section 201(3) of the Naval Petroleum Reserves Production Act of 1976 (10 U.S.C. 7422(c)(2)), I am informing you of my decision to extend the period of production of the naval petroleum reserves for a period of 3 years from April 5, 2000, the expiration date of the currently authorized period of production.

Attached is a copy of the report investigating the necessity of continued production of the reserves as required by 10 U.S.C. 7422(c)(2)(B). In light of the findings contained in that report, I certify that continued production from the naval petroleum reserves is in the national interest.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *October 8, 1999.*

CORRECTIONS CALENDAR

The SPEAKER pro tempore. This is the day for the call of the Corrections Calendar.

The Clerk will call the bill on the Corrections Calendar.

ADDING MARTIN LUTHER KING, JR. HOLIDAY TO LIST OF DAYS ON WHICH FLAG SHOULD ESPECIALLY BE DISPLAYED

The Clerk called the bill (H.R. 576) to amend title 4, United States Code, to add the Martin Luther King, Jr. holiday to the list of days on which the flag should especially be displayed.

The Clerk read the bill, as follows:

H.R. 576

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 6(d) of title 4, United States Code, is amended by inserting ''Martin Luther King, Jr.'s birthday, the third Monday in January;'' after ''January 20;''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida (Mr. MCCOLLUM) and the gentleman from Virginia (Mr. SCOTT) each will control 30 minutes.

The Chair recognizes the gentleman from Florida (Mr. MCCOLLUM).

Mr. MCCOLLUM. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 576 would add the Martin Luther King, Jr., holiday to the list of days on which the flag should be especially displayed.

Currently, section 6 of title 4 of the United States Code, which designates the time and occasions for the display of the United States flag, provides that the flag of the United States of America should be displayed on all days and then lists certain days that it should especially be displayed. The list contains nine Federal holidays.

□ 1415

In fact, all of the Federal holidays, except for the holiday honoring the birthday of Dr. Martin Luther King, Jr., our Nation's great civil rights leader.

The nine other permanent Federal holidays are listed in the Flag Code to remind Americans to show respect and appreciation for the individuals and events that have had such a profound influence on the history and success of our great Nation. Regrettably, and apparently due to simple oversight at the time the King holiday became a Federal law in 1983, it was not added to the list in the Flag Code. And so it is right to take this measure up on the Corrections Calendar here today.

H.R. 576 is very simple. It will correct the oversight that left the Martin Luther King, Jr. holiday off the list in the U.S. Flag Code of days on which Americans are urged to display the American flag. Identical legislation passed the House last year. Unfortunately, it passed on the last day of the 105th Congress and did not become law.

H.R. 576 deserves our bipartisan support. I urge the Members of the House to join together in correcting this oversight in the Flag Code. By adding the King holiday to the Flag Code and asking Americans to display the flag on the day we honor Dr. King, we will encourage Americans to honor Dr. King and his magnificent efforts to advance civil and human rights in America.

Mr. Speaker, I reserve the balance of my time.

Mr. SCOTT. Mr. Speaker, I yield 30 minutes to the gentleman from Texas (Mr. BENTSEN) and ask unanimous consent that he be allowed to control that time.

The SPEAKER pro tempore (Mr. STEARNS). Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. BENTSEN. Mr. Speaker, I yield myself such time as I may consume.

(Mr. BENTSEN asked and was given permission to revise and extend his remarks.)

Mr. BENTSEN. Mr. Speaker, I rise today in strong support of H.R. 576, legislation which I introduced correcting an oversight that occurred in the 98th Congress during the establishment of the Federal holiday celebrating the birth of our Nation's greatest civil rights leader, Dr. Martin Luther King, Jr. Specifically, my legislation will add Dr. King's holiday to the list of Federal holidays in which the American flag should be displayed in honor of that person or event.

I would like to thank the gentleman from Michigan (Mr. CAMP) and the gentleman from California (Mr. WAXMAN) of the Speaker's Correction Day Advisory Group as well as the gentleman from Illinois (Mr. HYDE), the gentleman from Michigan (Mr. CONYERS), the gentleman from Florida (Mr. MCCOLLUM) and the gentleman from Virginia (Mr. SCOTT) for the work that they have done on the Committee on the Judiciary on this as well.

An identical bill which I also introduced in 1998 was adopted by the House on the last day of the 105th Congress last year. Unfortunately, the other body had not acted and therefore no law moved forward. Furthermore, the Senate has adopted an identical version, S. 322, in this Congress.

This legislation was first brought to my attention during the 105th Congress when a constituent from my district with a particular interest in vexillology, the study of flags, contacted my office after discovering that Dr. King's official holiday was not being observed through the U.S. Flag Code. This omission, while not intentional, should be offered to the American people as yet another avenue they can use to honor the memory and the legacy of Dr. King.

It is customary during the establishment of official Federal holidays to signify the importance of the date through its recognition in the U.S. Flag Code. The 77th Congress of the United States passed Public Law 623 which codified the U.S. Flag Code. This legislation also ensured that as new Federal holidays were added, like the Federal holiday honoring Dr. King, official notation in the Flag Code would occur without delay. Unfortunately, the legislation, Public Law 98–144, establishing the holiday recognizing Dr. King, failed to include language necessary to reference the U.S. Flag Code.

The U.S. Flag Code encourages all Americans to remember the significance of each Federal holiday through the display of our Nation's banner. The Flag Code reminds people that on certain days each year, displaying the flag will show respect for certain individuals and events that have shaped our great Nation. Dr. Martin Luther King, Jr., the greatest civil rights leader of our age, deserves the respect and reverence symbolized by the raising of our Nation's banner in his memory.

Mr. Speaker, another extraordinary aspect about this legislation is how this oversight was brought to my attention. A constituent, Mr. Charles Spain, a resident of Houston and president of the North American Vexillological Association, contacted me about this glaring oversight 2 years ago. In fact, he became aware of this legislative oversight 7 years ago. I am grateful for his diligence and assistance in helping my office and the Congress to correct this error. His effort demonstrates that all citizens have the ability to contact and petition their Congress and make important contributions to the legislative process. While I am certainly honored that my office could play a small part in furthering the efforts to raise public awareness of Dr. King's life and achievements, I am most pleased as well that a private citizen of the United States and a constituent has been able to utilize the levers of the House of Representatives to effect legislative change.

I believe the American people should be afforded the opportunity to pay their respects to the memory of Dr. King and all of his achievements through the display of our flag on his day. Of the 10 permanent Federal holidays, only the day honoring Dr. King lacks this specific honor, and I believe that as Dr. King's holiday fast approaches, it is now appropriate to correct this omission.

Mr. Speaker, the Corrections Calendar was designed to provide an expedited legislative procedure for correcting errors in the law. Today, the House can achieve that and two additional goals: one, ensuring that our Nation honors a true American hero who made the ultimate sacrifice in order to make our Nation and all people in the world a better place; and the second, proving that a single citizen, in Mr. Spain, can make a difference in the American democratic experiment.

Mr. Speaker, I urge my colleagues to support this measure to further honor the legacy of Dr. King and to continue to move forward with his dream.

Mr. Speaker, I yield such time as he may consume to the gentleman from Michigan (Mr. CONYERS), the ranking member of the Committee on the Judiciary.

Mr. CONYERS. Mr. Speaker, I come to indicate my strong support for H.R. 576. I want to thank the gentleman from Texas, our colleague from Houston, and also the gentleman from Florida, the chairman of the subcommittee of the Committee on the Judiciary, for moving this forward with the speed at which it has come. I appreciate that very much, and on behalf of all of those in this country who realize that Dr. Martin Luther King, Jr. is probably the most significant figure in the 20th century, not only in America but in the world in terms of the understanding that he has brought to human rights and peace and justice.

Dr. King has been a very strong force in my life. He has been a good friend of Rosa Parks, who came from Montgomery, Alabama to Detroit to associate herself with my efforts for many, many years, and in the course of it, I had the honor of getting to know Mrs. Coretta Scott King and indeed the entire King family. There exists in Atlanta now a Martin Luther King Center for Nonviolence which is still a shrine to which people come from around the world to join in the understanding of justice and peace and humanitarian, the reaching out, and also to reflect on the civil rights struggle.

Dr. King will forever remain a symbol of what the best of America can be, and in a way what Charles Spain and the gentleman from Texas have done is really in the wake of and in the spirit of Dr. King himself. This is a small but critical correction. Every holiday encourages us to display the flag except this one, inadvertently left out. How it got left out after 15 years of struggle to get the bill passed, heaven only knows.

And so I am very delighted to join in what I am sure will be unanimous support for the measure that is before us now. I thank again all of the sponsors and those that have made it possible.

Mr. BENTSEN. Mr. Speaker, I thank the gentleman from Michigan for his kind words.

Mr. Speaker, I yield 2 minutes to the gentleman from Ohio (Mr. TRAFICANT).

Mr. TRAFICANT. Mr. Speaker, I want to associate myself with the remarks of the gentleman from Michigan, the distinguished ranking member of the Committee on the Judiciary. What I would like to say, I was not here to speak on this issue, I am here on my legislation honoring the mother of Louis and Carl Stokes, but I want to say this. This is a bit of irony in the House today. Martin Luther King, Jr. was targeted by the Justice Department, the Federal Bureau of Investigation and much of our establishment. He was targeted basically because, in the gentleman from Michigan's words, he was a great man but he happened to be a great black man. As a result, America feared that power, and today we embrace the vision. That is what we should be doing. That is the essence of this legislation.

I am very glad that I was on the floor, Mr. Speaker, and I am very proud to be associated with this vote. I commend all those responsible.

Mr. BENTSEN. Mr. Speaker, I yield 2 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the gentleman from Texas for yielding me this time. I thank the gentleman from Michigan (Mr. CONYERS), the gentleman from Illinois (Mr. HYDE), the gentleman from Florida (Mr. MCCOLLUM) and the gentleman from Virginia (Mr. SCOTT). This is long overdue. In fact, I followed the gentleman from Texas as his constituent raised this issue with him. I want to congratulate him for the effort to bring about this correction and acknowledgment of the life and legacy of Dr. Martin Luther King.

As the gentleman from Texas knows, Texas was one of the States that gathered early, although it was not an easy vote and debate, to make the Martin Luther King holiday a State holiday in the State of Texas, and, of course, supported it being a Federal holiday. It is well known that Dr. King was many things to many persons, but I think what we will all remember him for is being principled and being an advocate in the eye of the storm. Many times what he advocated was not in the popular poll. And even as he spoke about opening up opportunities that we might be able to participate in the accommodations of hotels and restaurants, I think his mind was thinking even further about how to make this Nation a better place.

And so as we acknowledge in the Flag Code his day by exhibiting the flag in all of our homes, this is a special acknowledgment, that even though you may be going in the eye of the storm and may not have the popular cause, it is right to have the right cause and the principled cause. I think we all can reflect on that now as Dr. King in the waning hours of his life went into Memphis and other places, one, to talk about the Vietnam War and, two, to talk about economic opportunity and prosperity. Now many of us reflect upon his words and his mission to realize that he was right, that we should seek peace in this world, and that we should seek economic prosperity.

So I congratulate the gentleman from Texas and join him in supporting this legislation and would hope my colleagues would support it.

Mr. BENTSEN. Mr. Speaker, I yield 1 minute to the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. Mr. Speaker, I want to let the gentleman from Texas know how much I appreciate his sponsorship of this and to note that when we sing the Star Spangled Banner, we end up by talking about the land of the free and the home of the brave. There cannot be any finer tribute to Dr. Martin Luther King than when celebrating his day in this country that we display the flag and in a sense confirm his journey for freedom and his journey of bravery.

Mr. CAMP. Mr. Speaker, I rise today in support of H.R. 576, a bill introduced by the gentleman from Texas. The gentleman's legislation would amend the U.S. Flag Code to add the Martin Luther King Jr. Federal holiday to the list of days on which the flag should especially be displayed.

As chairman of the Corrections Advisory Group, it was my pleasure to work with Congressman BENTSEN and the minority ranking member, the gentleman from California, Mr. WAXMAN, and the test of the members of the committee to expedite consideration of this Corrections Day bill.

This bill was favorably reviewed by the Corrections Advisory Group and is fully supported by my colleagues on the other side of the aisle. The advisory group was able to work with the Speaker and the committees of jurisdiction to bring this bill to the floor today.

The Corrections Calendar was formed to provide a special forum to address unnecessary, outdated, and obsolete laws. Bills considered on our Corrections Calendar are first considered by the Corrections Day Advisory Group, which meets periodically to consider various legislative proposals designed to improve the federal government's efficiency and effectiveness.

The standing committee of jurisdiction must then act and report the bill before it can be placed on the Corrections Calendar. Only after the committees of jurisdiction have acted and the Speaker has consulted with the minority leader, can the legislation be placed on the Corrections Calendar.

Mr. Speaker, this bill is clearly a ''corrections bill.'' Every other Federal holiday is listed in the Flag Code, and when Congress approved Martin Luther King Jr. Day in 1983, it was not added to the Flag Code through an unintended oversight. Similar legislation passed the House last year, but because it was passed on the last day of session, did not become law. This year, the Senate has also passed similar legislation, and it is high time to pass this bill and see it become law.

Mr. Speaker, this is a straightforward, bipartisan bill that corrects a glaring error in our Flag Code, and pays due respect to our Nation's greatest civil rights leader. I urge my colleagues to support H.R. 576.

Mrs. MEEK of Florida. Mr. Speaker, I rise in support of H.R. 576—To Amend the Act Commonly Called the ''Flag Code'' to Add the Martin Luther King, Jr. Holiday to the List of Days on Which the Flag Should Especially be Displayed. This bill adds the Martin Luther King, Jr. holiday to the list of days on which the U.S. flag should especially be flown.

The Martin Luther King, Jr. holiday was established in 1983 as a national holiday to celebrate his birthday. The laws relating to the flag of the United States are found in detail in the United States Code and designate on which national holidays the flag should particularly be flown.

Unfortunately, when the holiday for Martin Luther King, Jr. was designated, Congress inadvertently failed to include additional language in the legislation to list the new holiday in the Flag Code. We stand today to correct this wrong.

Our flag originated as a result of a resolution adopted by the Marine Committee of the Second Continental Congress at Philadelphia on June 14, 1777. The resolution read, ''Resolved, that the flag of the United States be thirteen stripes, alternate red and white; that the union be thirteen stars, white in a blue field representing a new constellation.'' Little did they know when this resolution was passed that Martin Luther King, Jr. would live to represent one of the brightest stars in a new national constellation of freedom, liberty, racial equality and justice.

Mr. Speaker, there are those who have fought for liberty, there are those who have bled for liberty, and there are those who have even died for liberty. Martin Luther King, Jr. died fighting for the liberty of our people. We honor him and his legacy by flying the flag of the United States in memory of this great and shining star.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in support of H.R. 576. This bill would amend the act commonly called the ''Flag Code'' to add the Martin Luther King, Jr. Holiday to the list of days on which the Flag should especially be displayed.

Our flag is more than scraps of colorful cloth because it symbolizes the country itself. On Monday, June 14th, our nation celebrated the 222nd birthday of the U.S. Flag. Since the adoption of the Stars and Stripes pattern by the Continental Congress our flag has been a symbol of unity. Unifying people of different backgrounds under a singular banner. Our Flag is recognized as a symbol of freedom and justice throughout the world.

When the flag was first adopted in 1777, the U.S. Continental Congress justified the flag's attributes this way: ''White signifies purity and innocence; Red, hardiness and valor; Blue signifies vigilance, perseverance and justice,'' with the stars forming ''a new constellation.'' With a description like that, it's no wonder that many associate the same values represented in the Flag with the activities of Martin Luther King, Jr. Dr. King's life was a unifying force during the civil rights struggle.

Dr. King's beliefs and actions are at the core of what it means to be an American. His words and actions changed American history and have left a lasting legacy for future generations to follow. King battled desegregation in Birmingham, recited his dream of racial harmony at the rally in Washington, marched for voting rights in Selma, Alabama, and provided inspiration for all Americans. I congratulate Mr. BENTSEN on his sponsorship of the legislation.

Mr. Speaker, I ask all my colleagues to support this bill.

Mr. BENTSEN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. MCCOLLUM. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. Pursuant to the rule, the bill is considered read for amendment and the previous question is ordered.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

☐ 1430

The SPEAKER pro tempore (Mr. STEARNS). The question is on passage of the bill.

The question was taken; and (three-fifths having voted in favor thereof) the bill was passed.

A motion to reconsider was laid on the table.

Mr. MCCOLLUM. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 322) to amend title 4, United States Code,

to add the Martin Luther King Jr. holiday to the list of days on which the flag should especially be displayed, and ask for its immediate consideration.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

Mr. BENTSEN. Reserving the right to object, Mr. Speaker, I yield to the gentleman from Florida (Mr. MCCOLLUM) for an explanation.

Mr. MCCOLLUM. Mr. Speaker, this text is virtually identical to the Martin Luther King corrections bill we just passed in the House. It has already passed the Senate. This way we can send it immediately to the President, and it becomes law, and it is purely technical in that regard. But I thank the gentleman for yielding.

Mr. BENTSEN. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 322

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ADDITION OF MARTIN LUTHER KING JR. HOLIDAY TO LIST OF DAYS.

Section 6(d) of title 4, United States Code, is amended by inserting ''Martin Luther King Jr.'s birthday, third Monday in January;'' after ''January 20;''.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A similar House bill (H.R. 576) was laid on the table.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Sherman Williams, one of his secretaries.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to the provisions of clause 8 of rule XX, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered or on which the vote is objected to under clause 6 of rule XX.

Such rollcall votes, if postponed, will be taken after debate has concluded on all motions to suspend the rules, but not before 6 p.m. today.

FEDERAL LAW ENFORCEMENT ANIMAL PROTECTION ACT OF 1999

Mr. MCCOLLUM. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1791) to amend title 18, United States Code, to provide penalties for harming animals used in Federal law enforcement, as amended.

The Clerk read as follows:

H.R. 1791

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Federal Law Enforcement Animal Protection Act of 1999''.

SEC. 2. HARMING ANIMALS USED IN LAW ENFORCEMENT.

(a) IN GENERAL.—Chapter 65 of title 18, United States Code, is amended by adding at the end the following:

''§ 1368. Harming animals used in law enforcement

''(a) Whoever willfully and maliciously harms any police animal, or attempts to conspires to do so, shall be fined under this title and imprisoned not more than one year. If the offense permanently disables or disfigures the animal, or causes serious bodily injury or the death of the animal, the maximum term of imprisonment shall be 10 years.

''(b) In this section, the term 'police animal' means a dog or horse employed by a Federal agency (whether in the executive, legislative, or judicial branch) for the principal purpose of aiding in the detection of criminal activity, enforcement of laws, or apprehension of criminal offenders.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 65 of title 18, United States Code, is amended by adding at the end the following new item:

''1368. Harming animals used in law enforcement.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida (Mr. MCCOLLUM) and the gentleman from Virginia (Mr. SCOTT) each will control 20 minutes.

The Chair recognizes the gentleman from Florida (Mr. MCCOLLUM).

GENERAL LEAVE

Mr. MCCOLLUM. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks on H.R. 1791, the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. MCCOLLUM. Mr. Speaker, I yield myself such time as I may consume.

The Federal Law Enforcement Animal Protection Act of 1999 was introduced by the gentleman from Illinois (Mr. WELLER) and passed both the Subcommittee on Crime and the full Committee on the Judiciary by voice votes. This bill proposes to add a new section to the Federal Criminal Code that would make it a crime to willfully and maliciously harm any police animal or attempt to conspire or attempt or conspire to do so. The bill defines police animal as a dog or horse employed by a Federal agency for the principle purpose of detecting criminal activity, enforcing the laws or apprehending criminal offenders.

Under current law, harming an animal used by the Federal Government for law enforcement purposes can only be punished under the statute that punishes damage to government property. The statute imposes punishment based on the value of the damage done in monetary terms. Under that statute a criminal who kills a police dog might receive only a misdemeanor sentence due to the low monetary value of the dog; but, as we all know, the government spends a considerable amount of time and money to train these animals. And the government employees who use these dogs during the course of their law enforcement work often form a close bond with them, and so their work can suffer when the animal they work with each day is harmed.

In many cases these animals have prevented harm to citizens and even saved the lives of children, and so it is appropriate that we punish criminal acts towards these animals more harshly than we punish damage done to inanimate government property. Under the bill, the maximum punishment that could be imposed for harming a police animal is 1 year in prison. If the offense permanently disables or disfigures the animal or results in the serious bodily injury or death of the animal, the maximum punishment that can be imposed increases to 10 years in prisonment.

I support the bill. I believe the bill strikes the right balance. I thank the gentleman from Illinois (Mr. WELLER) for his leadership in bringing this issue to the attention of the Committee on the Judiciary, and I urge all my colleagues to support it.

Mr. Speaker, I reserve the balance of my time.

Mr. SCOTT. Mr. Speaker, I yield myself such time as I may consume.

Under current law, Mr. Speaker, as the gentleman has indicated, damage from an animal owned by the Federal Government is punishable as destruction of Federal property. More specifically, willful harm to an animal owned by the Federal Government whose damage or injury is valued at less than a thousand dollars and results in a 1-year maximum imprisonment if the damage exceeds the thousand dollars, the maximum punishment is 10 years.

One problem with the provision is that police dogs rarely have a technical value which exceeds a thousand dollars, so no matter how vicious or cruel the offense, under current law the felony provisions cannot be invoked. H.R. 1791, the Federal Law Enforcement Animal Protection Act of 1999, would make it a crime to willfully harm any police animal or attempt to do so. The maximum punishment would be 1 year imprisonment unless that harm inflicted disables or disfigures the animal, in which case the maximum penalty would increase to 10 years.

At full committee markup, the amendments were offered to specify that we are talking about an act done out of malice to the animal as opposed to simply responding to an attack by the animal and to establish a clear line between the felony injury and the misdemeanor. The amendments were accepted and were incorporated in the bill as we are now considering it.

With those changes, Mr. Speaker, I support H.R. 1791.

Mr. Speaker, I reserve the balance of my time.

Mr. MCCOLLUM. Mr. Speaker, I yield such time as he may consume to the gentleman from Illinois (Mr. WELLER), the author of this bill.

(Mr. WELLER asked and was given permission to revise and extend his remarks.)

Mr. WELLER. Mr. Speaker, I particularly want to thank my friend, the gentleman from Florida (Mr. MCCOLLUM) for his help and assistance in moving this legislation forward.

Mr. Speaker, it is a simple question. Is it right that Federal law enforcement animals, dogs and horses, have no more protection under the law than a computer or a government desk? Is it right that if one maims or kills a drug sniffing dog that they are held no more accountable than if they smash a chair?

Well, under current law that is true. It is exactly the case, and our federal law enforcement animals, both dogs and horses, are afforded no more protection under the law than a piece of furniture. Today these highly-trained animals are covered under the same statutes that deal with the destruction of government property. While this is a tool, the problem with the destruction of government property statute is that it is very hard to prosecute in cases where a dog or horse is injured or assaulted but not killed. Additionally, the current statute does not include any mandatory jail time for those who would injure or kill these valuable animals.

Our legislation cosponsored with my friend, the gentleman from New Jersey (Mr. ROTHMAN), H.R. 1791, the Federal Law Enforcement Animal Protection Act which was drafted in cooperative effort with United States Border Patrol, United States Customs Service, United States Park Police, and other agencies as well as the Humane Society of the United States will address these problems. H.R. 1791 will use the same fine structure as the current destruction of government property statute but will add two sections to current law, one for assaults on police animals and one for disablement, disfigurement or death of the animal.

For the lesser assault violation, offenders will be subject for a fine of up to $1,000 with mandatory jail time of up to 1 year. For the more serious offense of death or disfigurement, violators will be subject to a fine in excess of $1,000 with mandatory jail time ranging from 1 to 10 years.

All federal law enforcement animals and all three branches of government will be covered by H.R. 1791 from the horses used in law enforcement here in Washington on the mall or at the Grand Canyon to agricultural inspection canines and drug-sniffing dogs used by the Customs Service and Border Patrol. These are highly trained animals and they are often a human officer's first line of defense when fighting crime. Federal canines, Federal police dogs cost the taxpayers up to $20,000 to train, up to $3500 to purchase and over a thousand dollars a year to feed and keep healthy every year. Park police tells me that it costs them almost $2,500 a year also to keep their horses maintained and healthy as well.

To illustrate the value of these animals who are a human officer's first line of defense in fighting drugs and other crimes, let me give these statistics:

In 1998 alone, 164 canine teams of the Border Patrol apprehended over 32,000 illegal aliens, uncovered over 4 tons of cocaine, 150 tons of marijuana, and over $2 million in illegal drug moneys. Customs Service canines have had similar success with 627 canine teams serving over 75 locations nationwide including most of our international airports and port cities. Customs Service has canine teams stationed at O'Hare Airport, my home State of Illinois, and it has also come to my attention that the Eleventh Congressional District which I have the privilege of representing is a source where federal law enforcement agencies go to get canines from local breeders in my home State of Illinois.

Mr. Speaker, just take a moment and listen to the people who know firsthand the value of these animals. Russ Hess, Executive Director of the United States Police Canine Association wrote me back in May, and I quote, the increase in assault on law enforcement animals is at an all time high. In 1998, we had eight dogs killed in the line of duty. The passage of H.R. 1791 will increase the penalty for injuring or killing these valuable animals.

Wayne Pacelle, of the Humane Society of the United States, writes quote, Officers often spend more hours of the day with their police animals than with family. As the first line of defense for an officer, police animals daily put themselves in dangerous positions on behalf of their officer and ultimately our communities as a whole.

Mr. Speaker, this is not ground breaking legislation. In fact, we here in the Congress at the Federal level are behind the eight ball. Already 27 States have similar laws on the books to protect their local and State law enforcement animals particularly police dogs. Fortunately, attacks on our federal law enforcement animals are not widespread; but, unfortunately, they are on the rise. In fact, just last week my office received a call from the United States Park Police because one of their dogs, one of their canines, was injured by a suspect attempting to flee arrest.

Passage of H.R. 1791 sends a strong message to the thugs who will think of causing harm to our law enforcement animals. Let us make it clear. Someone hits or kills a law enforcement animal, they go to jail just as if they hit any other law federal enforcement officer.

Mr. Speaker, this is good bipartisan legislation with a wide spectrum of support. I particularly want to thank my colleague, the gentleman from New Jersey (Mr. ROTHMAN) and the gentleman from Ohio (Mr. CHABOT) who both serve on the Committee on the Judiciary and helped move this legislation along. I also want to thank the gentleman from Florida (Mr. MCCOLLUM) and the gentleman from Illinois (Mr. HYDE) as well as the gentleman from Michigan (Mr. CONYERS) and the gentleman from Virginia (Mr. SCOTT) and their staffs for their quick action on H.R. 1791.

I also want to thank the assistance of director Carl Newcombe, the Customs Service Canine Center; associate chief, Bill Carter; and Manny Flores of the United States Border Patrol; Wayne Pacelle of the Humane Society; Russ Hess, United States Police Canine Association; and the officers of the Park Police and the U.S. Capitol Police who have helped with this legislation.

Mr. Speaker, our federal law enforcement has asked for this tool. I ask that this House answer their call and pass H.R. 1791 today. Please vote to hold accountable those who would maim, wound, or kill a police dog or police horse, Mr. Speaker.

Mr. SCOTT. Mr. Speaker, I yield such time as he may consume to the gentleman from New Jersey (Mr. ROTHMAN), a distinguished member of the Committee on the Judiciary and a cosponsor of the legislation.

(Mr. ROTHMAN asked and was given permission to revise and extend his remarks.)

Mr. ROTHMAN. Mr. Speaker, I first want to begin by thanking my dear colleague, the gentleman from Illinois (Mr. WELLER). He put together a wonderful bill to help protect Federal law enforcement animals, invited me to get on right away, and we worked together with our Subcommittee on Crime chair, the gentleman from Florida (Mr. MCCOLLUM), and our ranking member, the gentleman from Virginia (Mr. SCOTT), and the entire committee to move this piece of legislation forward in a bipartisan manner.

☐ 1445

Last week, we did the Patients' Bill of Rights in a bipartisan manner. This week we are going to do the Federal Law Enforcement Animal Protection Act in a bipartisan manner. Who knows what is next? Hopefully, this is the start of something good.

Mr. Speaker, I rise in support of H.R. 1791, the Federal Law Enforcement Animal Protection Act. Most people think of those who protect us in law enforcement as dedicated men and women who put their lives on the line daily, make innumerable sacrifices, take enormous risks, put their families and their lives in jeopardy, and that is true. They represent the thin, blue line that separates civilized society from anarchists and criminals; and we have to do all in our power to give law enforcement people the tools, the resources, and the support that they need to do their job.

But there are other living creatures who assist us in our law enforcement endeavors, and they are the dogs and the horses who work with our law enforcement personnel to sniff out drugs, to apprehend the bad guys who are fleeing the scene, and to otherwise keep order in our society.

Mr. Speaker, I spoke this morning at a high school in Wallington, New Jersey, and among the many other things we talked about, I told them I was coming today to work with the gentleman from Illinois (Mr. WELLER) and my other colleagues to pass this Federal Law Enforcement Animal Protection Act to protect those dogs and Federal police dogs and horses who are intentionally injured or killed by criminals. And they said, gee, is that not a law already? And I said, well, no, it is not. It is the law in several States in the United States, but it has never been the law of the land, the Federal law.

So I thank the gentleman from Illinois (Mr. WELLER) and others for bringing this matter to our attention, allowing us to work to put this matter finally to rest, to protect those brave police animals who do so much for our society.

Mr. Speaker, it is not just the cost of the animals, which is significant in a tight budget; there are tight budgets of the Federal level, State, county and local, and we know that there is a significant investment of thousands of dollars in the purchase and the training of police dogs and police horses. It is also the time and the energy of the humans who have to train them, care for them, and oversee their well-being, as well as lead them in the course of their daily work.

But beyond the mere costs, we can also, I think, recognize that these are the lives of animals. And so while this is a bill for law enforcement, to give law enforcement the tools, protect their resources that these animals certainly are, it is also to recognize that these are living creatures that we want to protect, not just like a desk or a chair that a criminal would destroy to flee a crime or to obstruct a pursuit of law enforcement men and women who are following him or her, but these are police animals who we want to protect as well.

So this law would give the discretion to a judge to impose a fine of up to $1,000 and the discretion to impose some kind of jail time if the animal was disabled or died, and that that was the intention of the perpetrator, to injure or disable or kill the animal. The offender would be subject to a fine not in excess of $1,000 and will be imprisoned for up to 10 years in the discretion of the judge.

Again, this is a law that was a long time in coming, and certainly very necessary. We live in a very dangerous, hostile world with lots of problems facing the United States of America. We have lots of problems here at home, and we need to deal with them as well. Last week was the Patient's Bill of Rights, and now the Federal Law Enforcement Animal Protection Act. Hopefully, we will get together in a bipartisan fashion to do who knows, maybe even to pass a budget.

Mr. Speaker, I strongly support H.R. 1791, and I thank my colleagues for their support as well, and I urge the entire House to do the same.

Mr. FARR of California. Mr. Speaker, I rise in support of H.R. 1791, the Federal Law Enforcement Animal Protection Act. This is a good bill because it enables us to convict criminals for harming police animals. As part of their job, police animals risk their lives side-by-side with their human partners in law enforcement. These animals patrol our national parks, our national borders, our airports, and even our United States Capitol is guarded by 30 K–9 units.

Police officers depend on these animals to do their job and therefore, it is critical that we protect them. The U.S. Border Patrol uses 164 K–9 Teams, which in 1998 alone detected over 4 tons of cocaine, 150 tons of marijuana and over $2 million in drug money. Unfortunately, last year 8 K–9 dogs were killed and many more sustained injuries from attacks while on the job. Mr. WELLER's bill would appropriately penalize this misconduct.

Under current Federal law, Federal K–9s and horses are only protected by the U.S. statutes that govern destruction of government property. Current law places fines of up to $1,000 if the act is under $1,000 with the option of jail for up to 1 year. If the damage exceeds $1,000, then the fine would be in excess of $1,000 with the option of jail for up to 10 years.

The Federal Law Enforcement Animal Protection Act makes it a Federal crime to willfully harm any police animal, or to attempt to conspire to do so. This would include simple assaults, bites, kicks, punches, and plots to injure animals. The penalty would be a fine up to $1,000 and mandatory jail for up to 1 year. The bill also recognizes the important law enforcement function these animals perform, the cost of training to the government, and the bond between handler and animal.

Twenty-seven States have passed similar legislation. The bill passed the Judiciary Committee by voice vote with 25 bipartisan cosponsors. I urge my colleagues to join me in supporting Mr. WELLER's bill.

Mr. SCOTT. Mr. Speaker, I yield back the balance of my time.

Mr. MCCOLLUM. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. STEARNS). The question is on the motion offered by the gentleman from Florida (Mr. MCCOLLUM) that the House suspend the rules and pass the bill, H.R. 1791, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

WILLIAM H. AVERY POST OFFICE

Mr. MCHUGH. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2591) to designate the United States Post Office located at 713 Elm Street in Wakefield, Kansas, as the ''William H. Avery Post Office.''

The Clerk read as follows:

H.R. 2591

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION.

The United States Post Office located at 713 Elm Street in Wakefield, Kansas, shall be known and designated as the ''William H. Avery Post Office''.

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the post office referred to in section 1 shall be deemed to be a reference to the ''William H. Avery Post Office''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. MCHUGH) and the gentleman from Pennsylvania (Mr. FATTAH) each will control 20 minutes.

The Chair recognizes the gentleman from New York (Mr. MCHUGH).

Mr. MCHUGH. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the bill before us, H.R. 2591, was introduced by our colleague, the gentleman from Kansas (Mr. MORAN) and is sponsored by each Member of the House delegation from the great State of Kansas, which is pursuant to a long-standing policy of the Committee on Government Reform. This legislation, as noted by the Clerk, designates the United States Post Office located at 713 Elm Street in Wakefield, Kansas as the William H. Avery Post Office.

Mr. Speaker, I want to begin by commending the gentleman from Kansas for his leadership on this issue, for bringing to our attention I think a very, very laudable, worthy designation and express my appreciation as well from the gentleman from Pennsylvania (Mr. FATTAH), the ranking member, and all of the members of the subcommittee and the committee and its Chairman, the gentleman from Indiana (Mr. BURTON), for processing this bill in a very timely manner.

As to the designee, Mr. Avery was born the son of a farmer and rancher near Wakefield, Kansas, in 1911 and attended Wakefield High School in that town. He later graduated from the University of Kansas in 1934, after which he returned home to raise crops and livestock on his family farm. During that time, he served on the local school board.

Mr. Avery was elected to the State House of Representatives and served from 1951 to 1955. He was a Member of the legislative council from 1953 to 1955. Mr. Avery won the Republican nomination for the United States Congress and served in this House from 1955 to 1965. In 1965, the people of Kansas elected him to serve one term as the 37th governor of Kansas. Mr. Avery continues to this day to live in his hometown of Wakefield, Kansas.

Mr. Speaker, it is, it seems to me, especially meaningful to honor a person during his or her lifetime. Quite often,

we come to this floor and designate these facilities in honor of someone who is no longer with us and no longer able to be directly aware of our appreciation and the honor that they are about to receive. But in this instance, we are naming a facility in the hometown after a native son, a place which is visited daily by the neighbors and friends of that person, and naming it after someone who is identified with the town literally from birth. I certainly urge our colleagues to honor Governor Avery and this very worthy recipient.

Supporting this bill, the Congressional Budget Office indicates that enactment of the legislation would have no significant impact on the Federal budget and would not directly affect spending or receipts, and therefore pay-as-you-go procedures would not apply. Additionally, the legislation contains no governmental or private sector mandates that are defined in the unfunded mandates reform act, and as such, would impose no costs on State, local, or tribal governments.

In sum, Mr. Speaker, this is a very worthy piece of legislation, a very worthy designee, and I urge all of my colleagues to support it this afternoon.

Mr. Speaker, I reserve the balance of my time.

Mr. FATTAH. Mr. Speaker, I yield myself such time as I may consume.

I am pleased to join with the gentleman from New York in moving today some five postal naming bills. This is the first, and it is indeed an honor for us to have the opportunity to participate. It really provides to the people of Kansas the notice that is appropriate for the service of a former Member by naming this post office, and the majority Chairman has walked through the tremendous public service that Congressman Avery provided, not just his service here in the Congress for more than a decade, but his service as a member of a local school board, his graduation from Wakefield high, his service in the State House, and then finally, his service as governor of the State of Kansas.

I think it is appropriate that we move this naming bill that was introduced on July 2 by the gentleman from Kansas (Mr. MORAN), and as the minority ranking member on the Subcommittee on Postal Service, I want to just offer my thanks to the cooperative working relationship that I have had with the gentleman from New York (Mr. MCHUGH).

And as we will see today, we have moved through the committee a number of these bills that are important not just to the Members who have introduced them but to the memory of those whose names these postal facilities will bear, because it represents I think the continuing hope that there will be others from those communities who will come and provide service, not just here in this House, but in a variety of roles of public service throughout our Nation, and that it is appropriate that the Congress recognize the achievements and accomplishments and the legacy of service of people like the gentleman from Kansas, Mr. Avery, who we honor today through this legislative proposal.

So Mr. Speaker, I thank the gentleman from New York, and I reserve the balance of my time.

Mr. MCHUGH. Mr. Speaker, I yield myself such time as I may consume to first respond to the gentleman from Pennsylvania in saying that I value the working relationship we have had, and as he so, I think, accurately noted, the work product of that relationship will be shown on this floor today. It has been both an honor and a pleasure to work with him and the Members on his side who have joined us in putting aside partisan differences in attempting to rather just move legislation that serves the people.

In this instance, as I said, we do have the privilege of joining today in supporting a bill that is very worthy and recognizes a very worthy individual, as well as having with us on the floor today the gentleman who really has led the fight to put this bill together and to bring our attention to this very worthy opportunity.

Mr. Speaker, I yield 4 minutes to the gentleman from Kansas (Mr. MORAN), the chief advocate, chief sponsor of the legislation.

Mr. MORAN of Kansas. Mr. Speaker, I thank the gentleman from New York (Mr. MCHUGH) and the gentleman from Pennsylvania (Mr. FATTAH) for their work on this piece of legislation, and I thank the chairman for yielding me this time.

As indicated earlier, I rise to join my colleagues in recognizing a man who served for 20 years in public service. William H. Avery served as governor of our State and as Congressman for a portion of our State from 1950 to 1960s, and it is my honor to speak on behalf of this legislation which names the post office in his hometown of Wakefield, Kansas.

Bill Avery became the 37th governor of Kansas in 1965, but his public service first began over a decade earlier. However, he never intended to follow a career in politics or government service.

□ 1500

When he graduated from the University of Kansas, the country was in the midst of the Great Depression, so rather than going on to school, he went back to his family farm to raise crops and livestock. He made a life with his wife and four kids on that farm, the same farm that his family had worked since the Civil War.

In these early years he expanded the farm and served on the local school board. At the age of 39, Mr. Avery became involved in politics for the first time when construction of several big dams in our State threatened to take farmland of his and his neighbors out of production. A reservoir was being planned that would take his farm and force relocation of nearly two-thirds of his hometown.

Avery was encouraged to run then for the State House of Representatives, and he won, serving from 1951 to 1955. Effective and well-liked by all of his colleagues, he then went on to serve in the United States Congress in this House for 10 years.

As Governor, Mr. Avery was bold and direct. He took his job in public office very seriously. In his service, Governor Avery worked for everything that was important to Kansas: agriculture, rural communities, water conservation, and education. He was not afraid to make effective but unpopular policy decisions. Avery inherited a deficit when he came to the Kansas State House, and he worked to direct funds towards schools and economic growth. He effectively reformed education, and brought new industry to our State.

After serving as Governor, he became active in the oil and grain industries. Avery also served in both the Department of the Interior and the Agency for International Development.

For those who know Bill Avery, just mentioning his name often brings out a smile or a chuckle, and provokes a personal story about the Governor. Often described as a big, kindhearted, jovial fellow, Governor Avery is an extremely colorful, personable, and funny man.

Having great appreciation for farming and being near the people he grew up with, he returned to Wakefield when he retired in 1980. With his love for horses and agriculture, Avery bought a team of horses, collected a line of antique farm machinery, and worked a small piece of farm ground as a hobby. Members of the Wakefield community fondly tell his stories of antique machinery and his love for agriculture.

One community member recollects that in one parade, the press did not even recognize Governor Avery because he was wearing overalls and a straw hat behind his own team of horses. I have a feeling Governor Avery likes it that way. Bill Avery takes very great pride in being a farmer.

Bill Avery was born and grew up in a farm near Wakefield. Today, at the age of 89, he continues to reside in his hometown in a house overlooking the reservoir that took his farm. He still is active in public policy, and in fact, writes letters to me and other Members of Congress on a regular basis.

Governor Avery was a true farmer and family man who did not let politics change him. I admire both his integrity and his character, and I am honored to pay this small tribute to our Governor Avery.

This bill will name the Post Office in his hometown where he daily goes to collect his mail. I ask that this body pass this legislation.

Mr. FATTAH. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I think that the previous speaker has laid out for the House ample reason for us to swiftly pass this legislation.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. MCHUGH. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Maryland (Mrs. MORELLA).

(Mrs. MORELLA asked and was given permission to revise and extend her remarks.)

Mrs. MORELLA. Mr. Speaker, I rise in support of H.R. 2591, naming the Post Office for Governor Avery, who also served in the House of Representatives.

Mr. MCHUGH. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I have words of appreciation to the ranking member, the gentleman from Pennsylvania (Mr. FATTAH), and also a word of appreciation to the sponsor, the gentleman from Kansas (Mr. MORAN).

Mr. MOORE. Mr. Speaker, I rise today in support of H.R. 2591, legislation introduced by my colleague from Kansas, JERRY MORAN, that would designate the Wakefield, Kansas, post office as the William H. Avery Post Office.

Bill Avery served the people of Kansas with distinction in several public offices. Born in Wakefield in 1911, he attended public schools and earned an A.B. at the University of Kansas in 1934. A farmer and stockman since 1935, he became director of the Wakefield Rural High School Board of Education in 1946 and was elected to the Kansas House of Representatives in 1950. While in the legislature, he served on the Legislative Coordinating Council.

Bill Avery was elected to Congress five times, serving from 1955–1965. In 1964, he was elected governor of Kansas, where he served for two years until his defeat for reelection by Robert Docking, who went on to be the only Kansan elected to the governorship four times. During his tenure as governor, Bill Avery tackled several complicated, controversial issues, including enactment of a school funding program which provided broader state support for elementary and high schools through increases in the sales, liquor, cigarette and income taxes, including establishment of state income tax withholding. He also presided over implementation of a school unification statute that closed many rural schools.

After leaving the governorship, Bill Avery returned to Wakefield and became president of Real Petroleum Company. At age 88, he resides in Wakefield today.

I am pleased to cosponsor this legislation with my colleagues from the Kansas congressional delegation and I am glad to take this opportunity to commend Bill Avery for his distinguished career of public service on behalf of his fellow Kansans. I urge my colleagues to support this timely and well-deserved measure.

Mr. MCHUGH. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. STEARNS). The question is on the motion offered by the gentleman from New York (Mr. MCHUGH) that the House suspend the rules and pass the bill, H.R. 2591.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. MCHUGH. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 2591, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

JAY HANNA ''DIZZY'' DEAN POST OFFICE

Mr. MCHUGH. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2460) to designate the United States Post Office located at 125 Border Avenue West in Wiggins, Mississippi, as the ''Jay Hanna 'Dizzy' Dean Post Office.''

The Clerk read as follows:

H.R. 2460

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION.

The United States Post Office located at 125 Border Avenue West in Wiggins, Mississippi, shall be known and designated as the ''Jay Hanna 'Dizzy' Dean Post Office''.

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the post office referred to in section 1 shall be deemed to be a reference to the ''Jay Hanna 'Dizzy' Dean Post Office''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. MCHUGH) and the gentleman from Pennsylvania (Mr. FATTAH) each will control 20 minutes.

The Chair recognizes the gentleman from New York (Mr. MCHUGH).

Mr. MCHUGH. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased to speak briefly on H.R. 2460, legislation that was introduced by our colleague, the gentleman from Mississippi (Mr. TAYLOR) on July 1 of this year, and as consistent, again, with the policy of Committee on Government Reform, it has been cosponsored by the entire House delegation of the great State of Mississippi.

Mr. Speaker, this bill does designate the United States Post Office located at 125 Border Avenue West in Wiggins, Mississippi, as the Jay Hanna 'Dizzy' Dean Post Office. Jay Hanna Dean was born on January 16, 1911. He made his home in Stone County, Mississippi, which is his wife's ancestral home.

Dizzy Dean, as most of us know him by, loved his adopted home and was an ardent supporter of the community of Bond, the city of Wiggins, Stone County, and the State of Mississippi, as a whole. The ancestral home was subsequently donated by Mrs. Dean to the Baptist Children's Village as a home for children in the Bond community of Stone County.

In addition to his outstanding record, his outstanding record as a major league baseball pitcher and a baseball telecaster featuring the major league baseball's Game of the Week, Dizzy made many contributions to his local community which was recognized by the mayor and Board of Aldermen of the city of Wiggins. It was they, Mr. Speaker, who recommended that the newly renovated and expanded post office in Wiggins be named after Dizzy Dean, who died on July 17 in 1974.

Mr. Speaker, I would certainly want to commend the gentleman from Mississippi (Mr. TAYLOR) for working so closely with the community in bringing this bill to the floor. Again, as is true on all of these proposals, I deeply appreciate the cooperation of the gentleman from Pennsylvania (Mr. FATTAH) and the entire Committee on Government Reform for their efforts in this matter.

I would certainly urge our colleagues to support a bill which recognizes, really, to those of us who grew up in the 1950s and 1960s who really spent many, many weekends watching the game of the week, sometimes to the distress of our English teachers, learning a bit of colorful and sometimes creative language from the great Dizzy Dean, to pass this bill and support what I think is a very, very worthy measure.

Mr. Speaker, I reserve the balance of my time.

Mr. FATTAH. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to join with the chairman of the Subcommittee on Postal Service, the majority chair, in support of this legislation.

First and foremost, Mr. Speaker, it has been an honor to be able to work with my colleague, the gentleman from Mississippi, who we are going to hear from in just a few minutes, who was the prime sponsor of this legislation.

The gentleman from Mississippi (Mr. TAYLOR) I think represents not just the State of Mississippi but, in many respects, because of his concern in terms of national defense and a whole range of issues relative to the national interest, the best of what this Congress has to provide in terms of legislative leadership. He is principled and committed, and it was a pleasure to be able to help facilitate this bill coming to the floor because it is important to him.

Naming a postal facility is an appropriate honor to bestow upon someone who has done all of the things that we are going to hear about in a minute. I do not want to steal the thunder from the sponsor, but I do want to say that

it says something about his life, that his wife would donate the home to the Baptist Children's Village as a home for children. It shows the continuing legacy that I think this naming of a postal facility will add to.

Mr. Speaker, I yield such time as he may consume to the gentleman from the great State of Mississippi (Mr. TAYLOR).

Mr. TAYLOR of Mississippi. Mr. Speaker, I want to thank the chairman of the committee and the ranking member for their kind words. I want to thank Stacy Ballow from South Mississippi's congressional office for doing the research and putting this together.

Mr. Speaker, Jay Hanna Dean, known by all of us as Dizzy Dean, was elected to the baseball Hall of Fame in 1953. He was possibly the biggest pitching star in the National League in the 1930s. Dean burst onto the major league stage with stunning success, and dominated the league for 5 years.

A beloved figure in the history of the St. Louis Cardinals, Dean first appeared in the major leagues in 1930 at the age of 19, pitching a complete-game victory. He went back to the minors in 1931, and then started full-time with the Cardinals in 1932, winning 18 games for a 3.30 ERA and leading the National League in strikeouts. He gained notoriety not just for his clutch pitching, but also for his colorful personality, which earned him the nickname Dizzy.

That was just the beginning. Dean won 20 games in 1933, leading the league in strikeouts, again, as well as in games completed. He led the league with 30 victories in 1934, then again with 28 in 1935, adding strikeout championships both times.

Dean led the National League in shut-outs in 1932 and 1934, and had an astounding .811 winning percentage in 1934. That is 30 wins and seven losses. He ultimately led the National League for four consecutive years in both complete games and strike-outs. He won the National League most valuable player award in 1934 and, if the Cy Young Award had existed then, he no doubt would have won it at least twice.

Dizzy combined with his younger brother, Paul Daffy Dean, to win four games in the 1934 World Series. The Dean brothers won two games apiece. When Daffy pitched the no-hitter in the series, Dizzy said, ''If you had only told me you was going to pitch a no-hitter, I would have pitched one, too.''

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Dizzy remained at the top of his form in 1936, winning 24 games with a 3.17 earned run average.

Throughout his career, the Cardinals used Dean, not just as a starter, but as a reliever as well. He unofficially led the league with 11 saves in 1936, despite starting 34 games and completing 28. The heavy usage finally caught up with him in 1937. Arm soreness limited him to 25 starts; and though he won 13 games and had a solid 2.69 ERA, it was clear that something was wrong.

An injury he suffered in the 1937 All-Star Game complicated matters. His toe was broken by a line drive off the bat of Earl Averill. Dizzy altered his pitching motion to compensate for the broken toe, injuring his throwing arm in the process. Dean left the Cardinals in 1938 and played for a while with the Chicago Cubs. Dizzy retired as a three-time, 20-game winner who finished with 150 career wins and 30 career saves.

Dean was active for many years as an announcer for radio and television baseball broadcasts for both CBS and NBC during the 1940s and 1950s. He entertained scores of fans with his country twang and erratic pronunciation.

He once said, ''I always just went out there and struck out all the fellas I could. I did not worry about winnin' this number of games or that number, and I ain't woofin' when I say that either.'' He also said, ''Them that ain't been fortunate enough to have a gander at 'ole Diz' in action can look at the records.''

Dean was born in Lucas, Arkansas, in 1911. He married Patricia Nash of Bond, Stone County, Mississippi. The Deans lived in Mrs. Dean's ancestral home there. Jay Hanna Dean died in 1974. Mrs. Dean later donated their home to the Baptist Children's Village, and it is used today as a home for children in the Bond community of Stone County.

I want to thank young Seth Bond, a student at Perkinston Elementary School in Stone County for bringing this to the attention of the mayor and the Board of Aldermen in Wiggins that Dizzy Dean deserved a fitting local memorial in recognition of his life, accomplishments, and efforts on behalf of Stone County.

Wiggins is the county seat of Stone County, and the city officials and citizens of the county saw fit to take young Seth up on his suggestion. They sent me a resolution requesting that the newly renovated and expanded United States Post Office in Wiggins be named in his memory.

I am honored to help out in Seth's request and urge the support of my colleagues of H.R. 2460, a bill to name that facility the Jay Hanna Dizzy Dean Post Office.

Mr. Speaker, the gentleman from New York (Mr. MCHUGH) was correct in saying that the entire Mississippi delegation has sponsored this. But I would like to point out that the great gentleman from Tennessee (Mr. WAMP), the most valuable player in the congressional baseball game, was the sixth cosponsor. I want to thank him for that.

Mr. FATTAH. Mr. Speaker, I yield 1 minute to the gentleman from Ohio (Mr. TRAFICANT).

Mr. TRAFICANT. Mr. Speaker, I think it is good that we name this post office for Dizzy Dean. We pay tribute to many great Americans. Dizzy Dean is a great American. He passed more mail by more major league baseball players than the Postal Service.

So I want to join and I want to commend the gentleman from Mississippi (Mr. TAYLOR) whom I understand worked with his constituent who brought this forward. I commend the Committee on Government Reform for paying tribute to this great American. He is not only a great baseball player; Dizzy Dean is a great American.

Mr. MCHUGH. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Maryland (Mrs. MORELLA).

Mrs. MORELLA. Mr. Speaker, I rise in strong support of this bill. It is the Federal Law Enforcement Animal Protection Act. It was introduced by our colleagues, the gentleman from Illinois (Mr. WELLER), the gentleman from New Jersey (Mr. ROTHMAN), and the gentleman from Ohio (Mr. CHABOT).

Mr. Speaker, what the legislation would do is it would increase the penalties for harming or killing a Federal law enforcement animal. There are hundreds of animals that are used in our country every day to protect and assist police officers. Every day dogs are used to conduct building searches for suspected explosives, assist officers with raids, find missing people.

Law enforcement officers that work with these animals consider them to be loyal partners who deserve respect and protection for their work. Criminals should not go unpunished for bringing intentional harm to police animals. This legislation sends a message that Federal law enforcement animals are valued and protected by the Federal Government.

Mr. Speaker, I particularly wanted to speak on this bill because I represent a district that has demonstrated its respect for animals in many ways. In August, the canine unit of the Montgomery County Police Department received several protective vests for their police dogs to better protect them during confrontations with criminals or explosives.

In this month, Maryland joins with 27 additional States in passing law enforcement animal protection laws. These States have laws that recognize police animals as valuable members of the law enforcement community. The time is far overdue to give the same Federal protection to our law enforcement animals, that kind of protection that many States already provide.

I am pleased that my colleagues have given support to this valuable legislation.

Mr. FATTAH. Mr. Speaker, we have no further requests for speakers on our side, and I would assume the case to be so on the majority side.

Mr. Speaker, I am pleased to yield back the balance of my time.

Mr. MCHUGH. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I do not have any further requests for time. Let me in closing just again thank the gentleman from Pennsylvania (Mr. FATTAH), ranking member, and also to compliment the gentleman from Mississippi (Mr. TAYLOR) again. I appreciate his remarks about, indeed, the great gentleman from Tennessee (Mr. WAMP) as

a teammate of his. In the spirit of bipartisanship that we strike on these bills, I will not mention the score of the game in which the gentleman from Tennessee (Mr. WAMP) was rightfully named the MVP. But I think his support of this bill lends an even greater credence.

I urge my colleagues that we support this bill and, indeed, honor a very colorful and very great American.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. STEARNS). The question is on the motion offered by the gentleman from New York (Mr. MCHUGH) that the House suspend the rules and pass the bill, H.R. 2460.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. MCHUGH. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 2460, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

LOUISE STOKES POST OFFICE

Mr. MCHUGH. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2357) to designate the United States Post Office located at 3675 Warrensville Center Road in Shaker Heights, Ohio, as the ''Louise Stokes Post Office''.

The Clerk read as follows:

H.R. 2357

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION.

The United States Post Office located at 3675 Warrensville Center Road in Shaker Heights, Ohio, shall be known and designated as the ''Louise Stokes Post Office''.

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the post office referred to in section 1 shall be deemed to be a reference to the ''Louise Stokes Post Office''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. MCHUGH) and the gentleman from Pennsylvania (Mr. FATTAH) each will control 20 minutes.

The Chair recognizes the gentleman from New York (Mr. MCHUGH).

Mr. MCHUGH. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, the bill before us, H.R. 2357, was introduced by the distinguished gentleman from Ohio (Mr. TRAFICANT) on June 24 of this year. Again, it has been cosponsored by the entire House delegation of the great State of Ohio in accordance with our policy on the Committee on Government Reform, which has moved this legislation.

The measure does, indeed, designate the United States Post Office located at 3675 Warrensville Center Road in Shaker Heights, Ohio, as the Louise Stokes Post Office.

Mr. Speaker, H.R. 2357 is a very special bill in that it honors the mother of two very remarkable men. Louise Cinthy Stone Stokes, mother of Louis and Carl, was born the eighth of 11 children of the Reverend Mr. William and Fannie Stone on October 27, 1895, in Wrons, Georgia.

She moved to Cleveland, Ohio, in 1918 where she met and married Charles Louis Stokes, a laundry worker. Charles Stokes died when his two sons were still infants. Louis was but 2 years old, and Carl only 13 months. Louise, now widowed, worked as a domestic worker, and her widowed mother, Fannie, lived with a family and helped with the children. They lived in public housing on meager earnings.

Louise Stokes insisted that her sons get jobs at an early age and that they, most of all, get an education, and they did. Louis Stokes graduated from Case Western Reserve and Cleveland Marshall Law School, and Carl Stokes graduated from Marshall Law School.

Louis served as a civil rights attorney; and, in 1968, he became the first African-American Congressman from Ohio. Also in 1968, Carl became the first African-American mayor of a major U.S. city and later became a United States ambassador.

Louise Stokes was selected Cleveland's Woman of the Year, Ohio Mother of the Year, and received numerous awards from religious and civic organizations throughout her lifetime. The guiding principles of Louis Stokes' life and his brother Carl's were really instilled in them by their mother. It was simply a value of hard work, education, and religion.

I suspect someday, Mr. Speaker, we may be on this floor honoring two very remarkable men in Louis and Carl Stokes, but I think it is most appropriate, before we designate post offices in recognition of their contributions, that we first recognize the woman who, indeed, instilled in them the kind of values, the kind of ethics that brought them to the high pinnacle of public service which we have seen over so many years.

Indeed, Louise Stokes was a remarkable woman, and she fully merits this kind of recognition. I would certainly urge my colleagues to support this bill, H.R. 2357, and place the name upon the post office in Shaker Heights of which all of us, not just the people from that community and the State of Ohio, but all of us as Americans can be very, very proud. She is a dedicated mother and, as I said, a very remarkable woman.

Mr. Speaker, I reserve the balance of my time.

Mr. FATTAH. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this is an opportunity to recognize the extraordinary accomplishments of a woman who embodies the story of literally millions and millions of women throughout our country who struggled against tremendous odds and difficult circumstances to raise children.

Her two sons she raised after their father died, her husband died, when they were very young children. She worked as a domestic worker. She did what was necessary to feed and clothe and educate her children. One became a United States Congressman of some note because, not only was he the first African American to serve the great State of Ohio and the Congress, but a Congressman whose work and accomplishments and achievements are not equaled by many who serve in this House or have served in this House. The other son went on to be the mayor of a major city at a time in which no other African American had ever served in such a capacity.

So it is a remarkable woman that we acknowledge in this naming. But it is a story that is very important to the very fabric of our country that I think is acknowledged through her life's work.

I want to thank the gentleman from the great State of Ohio (Mr. TRAFICANT), the prime sponsor of this bill.

Mr. Speaker, I yield as much time as he may consume to the gentleman from Ohio (Mr. TRAFICANT).

(Mr. TRAFICANT asked and was given permission to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, this is not a day to pay tribute to Carl and Lou Stokes; the first black mayor of a major city, later an ambassador, and Lou Stokes, the first black cardinal on the powerful Committee on Appropriations who used to go on junkets all around the world with the gentleman from Missouri (Mr. CLAY). That is a little off joke here. They are great, dear friends.

I decided to submit this legislation. I had some calls, and they troubled me. What troubled me was that some people felt well, maybe, we name our institutions for America's greatest; and that is exactly why I submitted this legislation.

I want to thank the gentleman from New York (Mr. MCHUGH), and I want to thank the distinguished gentleman from Philadelphia, Pennsylvania (Mr. FATTAH), for giving this its consideration.

This is a great American. She embodies the American experience, specifically the black experience, worked on her hands and her knees so her two boys who lost their father when they were infants could get an education and be somebody. God almighty, if that is not worthy of this designation, I do not know what is, because those two boys just did not get an education, they educated America and the world.

I would like to put across the RECORD a couple quotes, humble words from a humble American. One of them, she said, ''There are three principles in our life: religion, education, and hard work.'' She said, ''By God, my boys better learn that.''

Another thing she said that impressed me very much is she said, ''Yes, it is true I had to work on my hands and knees, but that made me all the more determined that my boys would get an education and would have a better life than me.''

She later said the boys are there to do their share. They helped with cleaning and outside tasks, and they did chores just like I did when I was raised on the farm. She said they also had a paper route, and they did errands to help them get some spending money.

She says then later in a quote, ''To teach them responsibility when they start making money, I made them pay room rent, not because I wanted that room rent, I wanted them to learn the responsibility, the value of hard work, and nothing comes easy.''

But what is not written in that quote is she saved every penny those two sons gave her and put it towards their education. Yes, I guess it is about Carl. I guess it is about Louis. I think it is about a great American woman, Louise Stokes, and it is fitting this post office be named for her.

Mr. FATTAH. Mr. Speaker, I thank the gentleman from Ohio (Mr. TRAFICANT). With his permission, I ask unanimous consent that the humorous reference to junkets by former and present Members be revised in his remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

□ 1530

Mr. FATTAH. Mr. Speaker, not having any further speakers, I yield back the balance of my time.

Mr. McHUGH. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I do not have any further requests for time. I am not sure that any of us could add to the passion and eloquence and I think very fitting comments of the gentleman from Ohio (Mr. TRAFICANT).

If the actions of a truly remarkable woman such as this do not constitute what is a great American, I am not sure we know otherwise. So this is a truly fitting naming bill, and I would urge all of our colleagues to support it.

Mrs. MEEK of Florida. Mr. Speaker, I am pleased to join my colleagues in honoring Louise Cinthy Stone Stokes, the mother of two great men, the late Carl Stokes, Ambassador to Seychelles, and our former colleagues, Representative Louis Stokes.

I had the honor of serving with Louis Stokes on the VA–HUD Appropriations Subcommittee, where he was the ranking Democrat and formerly chairman—as well as the first African-American on the Appropriations Committee. I know that Louise Stokes must have been a remarkable mother, because Louis stokes is truly a remarkable man.

Working with him was like playing in the band with Duke Ellington. A master of the legislative process, he knew every agency and every program and how to make his points with quiet dignity and piercing logic. His focus was squarely on insuring that the government treated people fairly and that it help lift up those who had fallen behind. On issue after issue, from environmental justice in EPA, to fair housing and focused community development in HUD, to aid to HBCU and minority scholarships in the National Science Foundation, to science programs to build competence and get youngsters interested in math and physics in NASA . . . I could go on and on. Louis Stokes left his mark on every single program, bar none. His importance to the African-American community cannot be exaggerated.

Louis Stokes' mother, Louise Cinthy Stone Stokes, was born October 27, 1895, in Wrons, GA. She was the eighth of 11 children of Reverend William and Fannie Stone. She was raised on the family farm where she did the chores that were part of that life and time. Sunday school and church were a main part of their lives.

Louise moved to Cleveland, OH, in 1918. It was here she met Charles Louis Stokes, a laundry worker, and they were married July 21, 1923. From their union two fine sons were born; Louis and Carl. The young husband died early in their marriage, when the boys were 2 years and 13 months, respectively. Louise's widowed mother came to live with her to look after her family while she worked.

Three principles guided the Stone and Stokes families: Religion must be central in a person's life; education is the way to come up and go places, and the value of hard work. Whenever she talked of her 40 years as a domestic worker, she would say, ''I had to work with my hands and this made me all the more concerned that my sons get the kind of education I didn't have.''

Mrs. Stokes raised her sons in Cleveland public housing on meager earnings. When times were too difficult during the Depression, the family had to go on federal assistance. She often recalled the $25 a month and said, '' . . . that wasn't even rent money.'' Whenever Mrs. Stokes spoke about the family days, she said it was a case of everyone doing his share. The boys helped with the cleaning and outside tasks. They also had a paper route and did errands to earn spending money. She recalled, ''When the boys got their first jobs, I required a certain amount of their earnings as room rent. I wanted them to feel some responsibility for their home.'' What she didn't tell them is that she saved the money as a nest egg for them. Further evidence of the wisdom of a loving mother at work.

She always told her sons, ''Get an education—get something in your head so that you don't' have to work with your hands like I do.'' The Stokes men did as mother told them. Louis graduated from Case Western Reserve and Cleveland Marshall Law School, served as a civil rights attorney and became in 1968 the first black Congressman from the State of Ohio. Carl Stokes graduated from Marshall Law School, in 1968 became the first black mayor of a major U.S. city and later a U.S. ambassador.

Louise Stokes' love and devotion to her sons gave them a strong foundation to achieve greatness. I am proud to be a cosponsor of H.R. 2357, a bill to designate the Post Office at Warrensville Center Road, Shaker Heights, OH, with her name.

Mr. KUCINICH. Mr. Speaker, it is a great pleasure to honor Mrs. Louise Stokes by designating the Louise Stokes Post Office Building. Louise Stokes was a great American. She raised two sons; one son became a U.S. Congressman, and one son became a mayor. Mrs. Louise Stokes had three themes that guided her life: religion, education, and hard work. She lived her principles and she imparted these guiding principles to her two sons.

The lives of Mrs. Louise Stokes' two sons represent an enduring tribute to her supreme love and care. The careers of Carl and Lou Stokes show that America's progress as a nation is measured not by what we do for the strong, but what we do for the weak; not by what we do for the haves, but what we do for the have-nots. Throughout their careers, Carl Stokes and Lou Stokes fought for voting rights, civil rights, education rights, and housing rights.

Somehwere in America, there is a child living in adverse circumstance, maybe not even having a home. Maybe they are just sitting on a stoop marking the time, wondering if things are ever going to get better in their life, because things are very tough right now. Now, that person in America today could be black, could be brown, could be yellow, could be white. And when he or she is sitting there and feeling low, feeling down, wondering what is going to come and if things could ever get better with their life, they could think about two young African-American children—Carl and Louis Stokes—who were born in poverty, who lived in public housing, who, through the grace of God and a mother who worked for them, were able to move through the ranks, come to power, reach the pinnacle, make American history, and through it all they always remembered where they came from.

I stand here with a great deal of humility, to join in honoring Mrs. Louise Stokes for her life, her accomplishments, her legacy, and her sons. It is fitting to honor her by designating the Louise Stokes Post Office Building.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in support of H.R. 2357. This bill designates the post office located at 3675 Warrensville Center Road in Shaker Heights, Ohio as the ''Louise Stokes Post Office.''

Louise Stokes in the mother of former Representative Louis Stokes and the late Carl Stokes, the first black mayor of a major U.S. city and former ambassador to Seychelles. Louise Stokes, born on October 27, 1895, in Wrens, Georgia moved to Cleveland, Ohio in 1918 where she met and married Charles Louis Stokes in 1923. Louise's husband died early in their marriage, However, Mrs. Stokes was intent on ensuring that her children were provided for. She always told her son ''get an education''—get something in your head so you don't have to work with your hands like I do.''

The Stokes' boys followed their mother's advice. Both boys graduated from college and went on to law school. Louis Stokes served as a civil rights attorney and in 1968 became the first black Congressman to serve from the State of Ohio. Carl Stokes became the first black mayor of a major U.S. city and later a U.S. ambassador.

Louise Stokes in the ultimate example of how a mother's love can positively impact her children and change the lives of millions of people. Mr. Speaker, I would like to thank my colleague from Ohio, Mr. TRAFICANT for introducing the bill and urge my colleagues to give their full support for its passage.

Mr. MCHUGH. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. STEARNS). The question is on the motion offered by the gentleman from New York (Mr. MCHUGH) that the House suspend the rules and pass the bill, H.R. 2357.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. MCHUGH. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 2357.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

AUGUSTUS F. HAWKINS POST OFFICE BUILDING

Mr. MCHUGH. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 643) to redesignate the Federal building located at 10301 South Compton Avenue, in Los Angeles, California, and known as the Watts Finance Office, as the ''Augustus F. Hawkins Post Office Building''.

The Clerk read as follows:

H.R. 643

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REDESIGNATION.

The Federal building located at 10301 South Compton Avenue, in Los Angeles, California, and known as the Watts Finance Office, shall be known and designated as the ''Augustus F. Hawkins Post Office Building''.

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the Federal building referred to in section 1 shall be deemed to be a reference to the ''Augustus F. Hawkins Post Office Building''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. MCHUGH) and the gentleman from Pennsylvania (Mr. FATTAH) each will control 20 minutes.

The Chair recognizes the gentleman from New York (Mr. MCHUGH).

Mr. MCHUGH. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased to bring before the House H.R. 643, a bill, as was noted, that was indeed introduced by our colleague, the gentlewoman from California (Ms. MILLENDER-MCDONALD), honoring the very distinguished colleague from California, former Representative Augustus F. Hawkins.

I would note, Mr. Speaker, that if some of this sounds familiar, it is simply because the House in fact considered and overwhelmingly passed this bill during its deliberations last year.

Unfortunately, and in no way suggestive of the merits of the bill, the legislative calendar in the other body did not permit them sufficient time to consider it. So we are here again today attempting to rectify that occurrence. For that I want to commend the gentlewoman from California (Ms. MILLENDER-MCDONALD) for her tenacity and for recognizing that what was good and owing last year remains so this year, and for the cooperative effort of the gentleman from Pennsylvania (Mr. FATTAH) and all the members of the Committee on Government Reform for once more bringing this House the opportunity to vote on a very worthy naming bill.

The history of Gus Hawkins I suspect in this body is well-known from his birth in Louisiana and his movement with his parents to California in 1918 when he was just 11 years old, a recipient of his AB from the University of California in 1931, with a major in economics, and later his graduation from the University of Southern California in 1932.

After working in the real estate business, he was elected to the California State Assembly, where he served from 1934 to 1963, and later elected to the 88th Congress and to 13 succeeding Congresses running from 1963 to 1991.

Simply put, Mr. Speaker, Gus Hawkins served his constituents of the Watts area of Los Angeles for 48 years in elective office, 28 years in the California State Assembly, and 20 years in the House of Representatives.

He became known at that time for the Humphrey-Hawkins Act, a bill to reduce unemployment, move ahead in job training and employment opportunities for all Americans. He served in this body on various committees and, in fact, rose to be a leader in this House on many issues that were important certainly to the people that he represented but more so to the people of this country.

We have had the opportunity in the past, Mr. Speaker, to honor our former colleagues with this naming for their community service and in this instance, of course, the service to their country.

Certainly, as happened on this House floor last year, I would again urge my colleagues to unanimously support this bill and designate a naming for a very, very worthy American and a great former colleague, Gus Hawkins.

Mr. Speaker, I reserve the balance of my time.

Mr. FATTAH. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of this measure.

Mr. Speaker, let me say that, on the floor today, we have the gentleman from Pennsylvania (Chairman GOODLING) and the gentleman from Missouri (Mr. CLAY), the ranking member who served in leadership positions on Gus Hawkins's former committee, the Committee on Education and Labor, as it was named then.

These are gentlemen who, like Chairman Hawkins, have dedicated a great deal of their work to education and employment issues. It is appropriate that Gus Hawkins be acknowledged, and in this way the California delegation and particularly the prime sponsor of this have offered the House this opportunity.

His work is acknowledged I think by a lot of people, but many of the people who have been helped by his work may never know his name.

We were together for the 25th anniversary of the Pell Grant bill, which he helped move through. I went to college on a Pell Grant, and so have tens of millions of other young people benefited from his efforts in this regard. So I am pleased to support this measure.

Mr. Speaker, I yield such time as she may consume to the gentlewoman from California (Ms. MILLENDER-MCDONALD), the prime sponsor of this measure.

Ms. MILLENDER-MCDONALD. Mr. Speaker, I would like to thank the gentleman from New York (Chairman MCHUGH) for, again, his leadership in bringing this bill to the floor and my dear friend and colleague, the gentleman from Pennsylvania (Mr. FATTAH), for his leadership in helping to bring this bill to the floor.

Mr. Speaker, we are talking about a man who spent 56 years in public service, a man who should have recognition in an area that he worked so hard to bring about a quality of life in the area of Watts. I am pleased to stand here as he listens to me in his home to pay homage to this great man, this educator, this leader of our country.

Mr. Speaker, I rise in yielding and paying tribute to my dear friend and a former member of the House by renaming the Federal building located at 10301 South Compton Avenue in the Watts area of Los Angeles, known as the Watts Finance Office, the Augustus F. Hawkins Post Office Building.

Mr. Speaker, H.R. 643 enjoys the bipartisan support of the entire California delegation, Congressman Hawkins' former colleagues, and complete support of the U.S. Senate.

Mr. Speaker, the Washington Post once called Gus Hawkins one of the most famous unknown men of our day. However, many of us knew him as a quiet fighter for racial justice, social equality, and education for minorities, women, and children.

I can recall when I came to this floor to be sworn in, Gus Hawkins was sitting right here on this floor with me, and he wanted me to so much get on the education committee because for years he and I had worked together in the Los Angeles Unified School District on education and on helping youngsters in the Watts area and in

other deprived areas of getting a quality education.

While I could not go on this education committee, I really do appreciate the support that he has given me and indeed the support he has given youngsters throughout this Nation in trying to bring a quality education to those who otherwise would not have had that.

Gus committed his life to serving others, and his 56 years of public service spanned a period that included the Great Depression, World War II, McCarthyism, both the Korean and Vietnam wars, the civil rights movement, and the war on poverty. He witnessed an assassination of a President and the impeachment of another.

He was born in Shreveport, Louisiana, in 1907. When he was 11, he and his family moved to Los Angeles to escape the racial discrimination that was prevalent in the South at that time. His legislative career began in California's State Assembly, where he served for 28 years and was often the legislature's only black member. His record in Sacramento included the passage of the State's first law against discrimination in housing and employment.

He also carried successful State legislation concerning minimum wage and wages for women, child care centers, Workers' Compensation for domestic employees, and the removal of racial discrimination on State documents. This is the type of man he was.

After his remarkable tenure in the State Assembly of California, Gus was elected and sworn as a Member of this body in the 88th Congress in 1962. He served as chairman of the Joint Committee on Printing in the 97th Congress, the Joint Committee in the 97th Congress, as well as the Committee on House Administration in that same Congress. And he served in the 98th Congress as well on that committee before serving as chairman of the Committee on Education and Labor in the 101st Congress.

By and large, Mr. Speaker, Gus Hawkins was known by his colleagues as a hard working, trustworthy, low-key legislator who concentrated on issues of importance to his district, which included the Watts area.

He preferred to do his work behind the scenes and let others capture the headlines. He is the author of more than 17 Federal laws, including the Full Employment and Balanced Growth Act; Title VII of the Civil Rights Act, establishing the Equal Employment Opportunity Commission; the Job Training Partnership Act; the School Improvement Act, which rewrote virtually all major elementary and secondary education programs; and the Civil Rights Restoration Act.

In 1978, he coauthored and passed the Humphrey-Hawkins Full Employment Act, which pledged Federal Government efforts to reduce unemployment by four percent by 1983 if the private sector failed to do so.

The Humphrey-Hawkins can be seen as Gus's great effort, legislative accomplishments, because it established a real blueprint for moving this country ahead in job training and employment, the foundation to every other policy and an area that Gus Hawkins firmly believed that we had to have job training and quality education for quality employment.

Throughout his remarkable career in public service, Gus has championed the rights of children, the poor, the elderly, the working people, and minorities. But the one thing that is so noble about this man, he never forgot who he was and where he came from. Nor did he forget the people whom he served.

It is only fitting that we rise to pay tribute to him by redesignating this Federal building located in Watts. As my friend, the gentleman from Pennsylvania (Mr. FATTAH) said, a lot of children may not get to know him, but they will see his name on a building in the area that he solely wanted to make a better quality of life for all folk.

This Federal building will be located at 10301 South Compton Avenue in the Watts area of Los Angeles, and it will be known as the Gus Hawkins Post Office Building.

I would like to again thank all of my colleagues of the California delegation and all of the cosponsors, which were all the members of the California delegation, as well as other Members of this body, for this legislation and for joining me in a bipartisan fashion to pay tribute to a great man, a great American, a man who will want to be remembered by his friends and colleagues alike as someone who simply loved children. But he not only loved children, he loved the State of California; the State that he was born in, Louisiana; and, of course, he loved this country.

The Honorable Augustus F. Hawkins, distinguished Member of the United States House of Representatives, deserves no less.

□ 1545

Mr. FATTAH. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. MCHUGH. Mr. Speaker, I yield 3 minutes to the gentleman from Pennsylvania (Mr. GOODLING) who has expressed, I think, a very understandable interest in this, a gentleman who served with the designee.

Mr. GOODLING. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, never has a finer gentleman entered the halls of the House of Representatives than Gus Hawkins. He was, and is, a perfect gentleman. I had the privilege and the learning experience of sitting beside him as the ranking member while he was chairman of our committee. My wife and I had the opportunity on numerous occasions to travel with Gus and Elsie, something that we truly enjoyed. Elsie learned a long time ago that to get to Gus's heart, you go through his stomach with some of her homemade apple pie, and I supplied her with the Goodling apples in order to make that apple pie even better.

Truly it is fitting that we honor a great gentleman like Gus Hawkins.

Mr. MCHUGH. Mr. Speaker, I yield myself such time as I may consume.

I would only state that I think as the gentlewoman from California (Ms. MILLENDER-MCDONALD) has persistently now for 2 years in a row and as we heard here today very eloquently stated, along with the gentleman from Pennsylvania (Mr. GOODLING), that this is a very, very worthy recipient of this designation. I would certainly urge all of our colleagues to join us in supporting it.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in support of H.R. 643, a bill that would designate the Federal building located on 10301 South Compton Avenue in Los Angeles, California, currently known as the Watts Finance Office, as the ''Augustus F. Hawkins Post Office Building.''

Augustus Hawkins, a former member of this body for many years was born in Shreveport, Louisiana in 1907. When he was 11 years old, he and his family moved to Los Angeles to escape the racial discrimination that was prevalent in the South. It is those experiences that impacted heavily upon his life and prompted him to enter a life of public service.

Augustus Hawkins' career began in the California Assembly where he served for 28 years and was often the legislature's only black member. His record in Sacramento includes the passage of the State's first law against discrimination in housing and employment.

After his remarkable tenure in the Assembly, Gus was elected and sworn in as a Member of the 88th Congress in 1962. He served as Chairman of the Joint Committee on Printing in the 97th Congress, the Joint Committee in the 97th Congress, as well as the Committee on House Administration in the 97th and 98th Congresses before serving as Chairman of the Committee on Education and Labor in the 101st Congress.

Mr. Speaker, I commend my colleague Representative MILLENDER-MCDONALD for introducing this bill and urge its passage.

Mr. MCHUGH. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. STEARNS). The question is on the motion offered by the gentleman from New York (Mr. MCHUGH) that the House suspend the rules and pass the bill, H.R. 643.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. MCHUGH. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 643, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

JOHN K. RAFFERTY HAMILTON POST OFFICE BUILDING

Mr. MCHUGH. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1374) to designate the United States Post Office building located at 680 State Highway 130 in Hamilton, New Jersey, as the ''John K. Rafferty Hamilton Post Office Building,'' as amended.

The Clerk read as follows:

H.R. 1374

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION OF JOHN K. RAFFERTY HAMILTON POST OFFICE BUILDING.

The United States Post Office building located at 680 U.S. Highway 130 in Hamilton, New Jersey, shall be known and designated as the ''John K. Rafferty Hamilton Post Office Building''.

SEC. 2. REFERENCES.

Any reference in a law, regulation, map, document, paper, or other record of the United States to the United States Post Office building referred to in section 1 shall be deemed to be a reference to the ''John K. Rafferty Hamilton Post Office Building''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. MCHUGH) and the gentleman from Pennsylvania (Mr. FATTAH) each will control 20 minutes.

The Chair recognizes the gentleman from New York (Mr. MCHUGH).

Mr. MCHUGH. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this represents the fifth, final but certainly not the least of the proposed naming bills that we will have before us today. Indeed, I think this whole House owes the gentleman from New Jersey (Mr. SMITH) a debt of gratitude for bringing to us what in looking over the life of John K. Rafferty is certainly someone who is totally fitting for this kind of honor.

The gentleman from New Jersey brought this bill to the committee on April 12 of this year and, as with all of the other naming bills, it does bear the cosponsorship of the entire delegation here in the House from the great State of New Jersey. I do not want to undercut the sponsor's comments here in a moment, I know that he will have a great deal to say about Mr. Rafferty, but suffice it to say that he served his community for more than 30 years. He first worked on the Hamilton Committee for 6 years and then became Hamilton's first full-time mayor, serving continuously since 1976. In fact, Mr. Rafferty intends to retire from the office of mayor early next year at the completion of this term.

As we have heard today both in the bills that have been proposed and some of the comments, we would like to think that these post office designations are extended to great Americans. We heard earlier the gentleman from Ohio speaking, I thought, very forcefully about the very appropriate nature of the designation to Mrs. Louise Stokes, as someone who had a profound effect on America and someone who exemplifies what we think constitutes a good and wholesome life as a citizen of this great country. Certainly from the information that I have seen on Mr. Rafferty from the comments and submissions by the gentleman from New Jersey, in fact, Mr. Rafferty is a great American, someone who perhaps is not read about in the national newspapers or heard often about in the national news broadcasts but nevertheless a man who every day wakes up and thinks of one thing first beyond his family and his loved ones and, that is, service to his community, simply working to try to make today a little bit better than yesterday and hopefully tomorrow a little bit better than today. That is a great American.

I want to thank the gentleman from New Jersey for his leadership on this issue. As with all of the naming bills, again my deep appreciation to the gentleman from Pennsylvania (Mr. FATTAH), the ranking member, for not just his cooperation and support but for his leadership as well.

Mr. Speaker, I reserve the balance of my time.

Mr. FATTAH. Mr. Speaker, I yield myself such time as I may consume. I rise in support of H.R. 1374.

First of all I want to thank the gentleman from New York (Mr. MCHUGH) who serves as the majority chair. The Subcommittee on Postal Service has had a great deal of responsibility over the course of this session. First, of course, the oversight of the largest postal service anywhere in the world and the finest, some 800,000 employees on a whole range of issues. Our committee has dealt with postal reform in macro. We have been working here more recently on the whole issue of fraudulent solicitation for sweepstakes in a bill that we hope to have considered on the floor very soon.

Some might think for the Congress to take time to honor individuals by naming post offices is some type of work that perhaps we could do in a different fashion, but I think that for this body, the Congress, to take the time to honor a mayor of a town in New Jersey, a widow who raised her children, saw one rise to be a Member of the Congress and another the mayor of a big city, to honor a Republican from Kansas and a Democrat from California and a baseball great is appropriate for this House, to take and pause a minute, because this country is made up of individuals who helped make us what it is that makes the rest of the world want to have some small part of the ideals that are represented here in America represented in their lives.

I want to thank the majority chairman for facilitating these bills coming to the floor. I would like to say we will be back, I am sure, with other legislation that will deal with some of these other matters, but today I think it is important that these were brought forward.

Mr. Speaker, I yield back the balance of my time.

Mr. MCHUGH. Mr. Speaker, I yield myself such time as I may consume.

Let me respond to the very, I think, appropriate and certainly gracious comments by the ranking member. I think these designations are worthy of this House floor. Certainly the cooperative effort that he and the members on his side bring to these kinds of initiatives very clearly underscores that. It has been both a pleasure and an honor to work with him. As he noted, we have much work before us that we are looking forward to on other endeavors. We will be back indeed.

Mr. Speaker, I am pleased to yield such time as he may consume to the gentleman from New Jersey (Mr. SMITH), the primary sponsor on this bill.

Mr. SMITH of New Jersey. Mr. Speaker, I want to thank my good friend the chairman from New York for yielding me this time and thank the ranking member from Pennsylvania for his very kind remarks about all of those great individuals being honored today but also and especially for Mayor Rafferty from Hamilton Township.

Mr. Speaker, as a member of Congress for the past 19 years, I believe there is no one in the entire State of New Jersey more deserving of recognition and praise than Jack Rafferty, a dedicated mayor, community leader, humanitarian and family man.

Thus, Mr. Speaker, I am privileged to recommend passage of H.R. 1374, cosponsored, as the gentleman pointed out, by the entire New Jersey delegation, a bill to designate the U.S. postal building located at 680 U.S. Highway 130 in Hamilton Township, New Jersey as the ''John K. Rafferty Hamilton Post Office Building.'' Mayor Rafferty, who will be retiring from office in the next few months, has served the people of Hamilton with extraordinary distinction and honor as their mayor since 1976, and for 6 years prior to that time, he served on the Township Committee. Additionally, in 1986 and in 1987, Jack Rafferty served in the New Jersey State Assembly from the 14th District.

It is worth noting, Mr. Speaker, that in 1996, Jack Rafferty was inducted into the New Jersey Mayors' Hall of Fame. In 1997, the next year, the New Jersey Conference of Mayors selected him as the Mayor of the Year, another well-deserved accolade and honor. During his 30 years of dedicated public service, Mayor Rafferty has always been committed to the residents of Hamilton Township for whom he has worked tirelessly and effectively. His caring and commitment to the people of Hamilton never wavered during that service.

Mr. Speaker, Hamilton is a very large community. It is comprised of approximately 90,000 people, covering 39 square miles. Amazingly, Jack knows just about everybody in town and, significantly, he has always treated everyone, friend, acquaintance, stranger,

even political opponents, with respect and dignity. He has always had a kind word for everybody and nobody has a better sense of humor than Jack Rafferty.

Mr. Speaker, as Hamilton's first full-time mayor, Jack has blazed a trail unsurpassed in accomplishment while he significantly improved the quality of life in the township, making it an example for other communities in New Jersey and around the country. And he always did it with style, good humor and class. Jack Rafferty was a mayor ahead of his time. In fact he was forging ahead with action items like preserving open space years before other politicians discovered the benefit of this enlightened initiative.

Almost everywhere you look in Hamilton Township, you will recognize Jack Rafferty's legacy and handiwork. From Hamilton's 310-acre Veterans Park, which Mayor Rafferty made a reality soon after being elected, to the botanical beauty of Sayen Gardens, Hamilton today is an oasis in New Jersey, a place set apart, a wonderful community to live and to raise a family.

Mr. Speaker, like other lawmakers at the County, State, and Federal level, I have worked very closely with Mayor Rafferty for years on joint Federal and local project initiatives to improve Hamilton's enviable quality of life. These initiatives include his determined effort to establish a single postal identity for his community to unite its various neighborhoods. In 1992, Mayor Rafferty accomplished this goal when the U.S. Postal Service finally recognized Hamilton as the name to be used when addressing letters to people and businesses. Mr. Speaker, that is why it is so fitting to name this postal facility on Route 130 in Hamilton after the mayor, if it were not for Jack, this postal identity, like scores of other things, would never have become a reality.

Most recently, Jack worked to bring a Northeast Corridor line train station to Hamilton. During the dedication ceremony for the station, Mayor Rafferty spoke with pride about meeting the needs of the growing number of commuters who live in our area, not just in Hamilton but in surrounding communities as well, and he also talked about the big landscaped hedge sign along the Northeast Corridor route that lets people know that they are in Hamilton Township. Quite literally, he put Hamilton on the map.

Mayor Rafferty worked hard, effectively and with a can-do type of vision to develop Hamilton's infrastructure, including its award-winning water pollution control system which has attracted ecology students and teachers from universities along with officials from other municipalities. He knows that a well-built, forward-thinking and properly maintained infrastructure is the key to balancing development, environmental protection and local prosperity.

While Mayor Rafferty realized the importance of roads, highways, and mass transit, he never forgot the life-enhancing advantages that open space and recreation bring to a community. Hamilton now operates several major parks, along with 25 baseball fields, 19 soccer fields, 38 tennis courts, 41 basketball courts and 39 neighborhood playgrounds to serve its residents. Veterans Park itself contains the State's largest municipal playground and the largest public tennis facility and it is the site of the annual SeptemberFest celebration to which over 100,000 people a year visit to enjoy the community of Hamilton. These things do not happen by accident. They are the result of careful planning and careful execution. We have our mayor to thank for it.

Keeping Hamilton beautiful, bursting with trees, shrubs and flowers and fostering a high standard of living has been another Jack Rafferty hallmark. Hamilton has planted 4,000 shade trees since Mayor Rafferty took office and the township continues to plant about 300 per year. Overall, Hamilton now has 3,500 acres of parkland. The infrastructure and open space improvements made by Mayor Rafferty have sparked important nonpolluting commercial growth and provide for a diverse and stable economy in Hamilton.

□ 1600

Along with serving as Hamilton's mayor, Jack has always found the time to be active in numerous civic associations as well, the township's VFW post, the Knights of Columbus, the YMCA, and the Grange Society. Mayor Rafferty also served as president of the New Jersey Conference of Mayors from 1984 to 1986, and as I indicated earlier, was the conference Mayor of the Year in 1997.

Mayor Rafferty received more awards than time permits me to mention on the floor today during his service to Hamilton, but just to name a few: the Young Mens Christian Association Man of the Year in 1992, the Boy Scouts of America Distinguished Citizen Award in 1996, and Project Freedom's Angel Award in 1998.

Mr. Speaker, finally just let me say that I have known Jack Rafferty and his wife Doris and their children, Megan and Daniel, for many years. They have been and are today a great first family. They are caring people. They epitomize what is good and honorable about public service, and they are class personified.

As mayor, Jack will be missed, but always appreciated. I believe that designating the post office on Route 130 as the John K. Rafferty Hamilton Post Office is the least that our citizens can do to say ''thank you'' to someone who has done so much for so many.

Mr. MCHUGH. Mr. Speaker, I have no further requests for time but yield myself such time as I may consume.

Mr. Speaker, I cannot imagine any way in which I can add to the eloquence and the depth of the very appropriate comments by the gentleman from New Jersey (Mr. SMITH), and with that I would simply urge all of our colleagues to join with the ranking member and myself and all of the committee members in sponsoring the gentleman from New Jersey's very worthy initiative.

Mr. TIAHRT. Mr. Speaker, I am pleased to be an original co-sponsor of H.R. 2591, legislation designating the United States Post Office located on Elm Street in Wakefield, Kansas, as the ''William H. Avery Post Office''. Let me commend Congressman MORAN for sponsoring this legislation which is an appropriate honor well deserved by the recipient.

Mr. Speaker, my wife Vicki and I have enjoyed our friendship with Governor Avery over the past several years, and we are both excited that this honor is being bestowed upon a great public servant and good friend who has always placed the people of the great State of Kansas first.

When I think about the tremendous reputation Governor Avery still enjoys, I think about the moniker given to a past politician: The Happy Warrior. You cannot talk to Bill without feeling his zest for life and his indomitable spirit. It is not unusual to see Governor Avery at an event in Kansas, shaking hands, kissing babies and talking about the latest Republican strategy. Sometimes a few of us in this esteemed Body get tired and frustrated. At those moments I think of Governor Avery, his quick smile, his knowing wink, his kind words, his all-encompassing heart. Always smiling, always moving, always hopeful of the future, but respectful of the past. Governor Avery is truly Kansas's Happy Warrior.

Mr. Speaker I realize that at times the floor of the House can be partisan, and with your indulgence I am going to add to that partisan flame, just a bit. There is one memory I will always cherish, and it occurred in January of 1995. I was a new Member of Congress, full of hope, a little overwhelmed, and flush anticipation of the job ahead.

I had some friends and family in my office and in came Governor Avery. He came up to me and shook my hand, and told me why he had traveled back to D.C. You see Governor Avery is also appropriately called Congressman Avery. He served in this House from 1955–1965. He related to me that when he won his election in 1954, he thought he would be entering a Republican Congress, but he soon learned that the Democrats had regained the majority. Congressman Avery was destined to serve all his tenure in the minority. He always felt a little jilted by history, and that is why he wanted to be on the floor of the U.S. House when the gavel passed. At that moment I realized how fortunate I really was to be entrusted with a job representing the Fourth Congressional District of Kansas, and I realized just how historic a shift in Congress can be.

Mr. Speaker, I hope Governor Avery is enjoying the beautiful Autumn evening back home in Wakefield, Kansas. I want to thank him for all his words of inspiration, his dedication and his enduring attitude. When the history of Kansas is written, it will be as kind to Governor Avery as he has been to anyone who has had the good fortune to know him.

Mr. Speaker, I am honored to be able to call Governor Avery my friend and to help recognize him this day for the many accomplishments he has provided the people of Kansas and this great country.

Mr. MCHUGH. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. STEARNS). The question is on the motion offered by the gentleman from New York (Mr. MCHUGH) that the House suspend the rules and pass the bill, H.R. 1374, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The title of the bill was amended so as to read: ''A bill to designate the United States Post Office building located at 680 U.S. Highway 130 in Hamilton, New Jersey, as the 'John K. Rafferty Hamilton Post Office Building.'.''

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. MCHUGH. Mr. Speaker, I ask unanimous consent that all Members may be granted 5 legislative days in which to revise and extend their remarks on H.R. 1374, bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

SENSE OF THE HOUSE URGING 95 PERCENT OF FEDERAL EDUCATION DOLLARS BE SPENT IN THE CLASSROOM

Mr. GOODLING. Mr. Speaker, I move to suspend the rules and agree to the resolution (H.Res. 303) expressing the sense of the House of Representatives urging that 95 percent of Federal education dollars be spent in the classroom, as amended.

The Clerk read as follows:

H. RES. 303

Whereas effective teaching begins by helping children master basic academics, holding children to high standards, using effective, scientifically based methods of instruction in the classroom, engaging and involving parents, creating safe and orderly classrooms, and getting dollars to the classroom;

Whereas our Nation's children deserve an educational system that provides opportunities to excel;

Whereas States and localities must spend a significant amount of education tax dollars applying for and administering Federal education dollars;

Whereas the administrative costs of the United States are twice the average of other countries in the Organization for Economic Cooperation and Development (OECD);

Whereas it is unknown exactly what percentage of Federal education dollars reaches the classroom, but according to the Department of Education, in 1998, 84 percent of the Department's elementary and secondary education dollars were allocated to local educational agencies and used for instruction and instructional support;

Whereas the remainder of the Department's dollars was allocated to States, universities, national programs, and other service providers;

Whereas the total spent by the Department for elementary and secondary education does not take into account what States must spend to receive Federal dollars and comply with requirements, it also does not reflect what portion of the Federal dollars allocated to school districts is spent on students in the classroom;

Whereas American students are not performing up to their full academic potential, despite significant Federal education initiatives, which span multiple Federal agencies;

Whereas according to the Digest of Education Statistics, during the 1995–96 school year only 54 percent of $278,965,657,000 spent on elementary and secondary education was spent on ''instruction'';

Whereas according to the National Center for Education Statistics, in 1996, only 52 percent of staff employed in public elementary and secondary school systems were teachers;

Whereas according to the latest data available from the General Accounting Office, in fiscal year 1993, Federal education dollars funded 13,397 full-time equivalent positions in State educational agencies;

Whereas in fiscal year 1998, the Department of Education's paperwork and data reporting requirements totaled 40,000,000 ''burden hours,'' which is the equivalent of 19,300 people working 40 hours a week for 1 full year;

Whereas too much of our Federal education funding is spent on bureaucracy, special interests, and ineffective programs, and too little is effectively spent on our Nation's youth;

Whereas getting 95 percent of all Federal elementary and secondary education funds to the classroom could provide substantial additional funding per classroom across the United States;

Whereas more education funding should be put in the hands of someone in a child's classroom who knows the child's name;

Whereas burdensome regulations, requirements, and mandates should be removed so that school districts can devote more resources to children in classrooms; and

Whereas President Clinton has stated: ''We cannot ask the American people to spend more on education until we do a better job with the money we've got now.'': Now, therefore, be it

Resolved, That the House of Representatives urges the Department of Education, States, and local educational agencies to work together to ensure that not less than 95 percent of all funds appropriated for the purpose of carrying out elementary and secondary education programs administered by the Department of Education is spent to improve the academic achievement of our children in their classrooms.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. GOODLING) and the gentleman from Missouri (Mr. CLAY) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. GOODLING).

Mr. GOODLING. Mr. Speaker, I yield myself such time as I may consume.

I believe it is important that we go about the work of reauthorizing the Elementary and Secondary Education Act and also appropriating funds for education, that Congress renews its commitment to the principle that education dollars are most effectively spent in the classroom.

Two years ago the Dollars to the Classroom resolution was overwhelmingly supported by this chamber by a vote of 310 to 99. This resolution is a resolution that the gentleman from Pennsylvania (Mr. PITTS) has been tremendously influential in bringing before our committee and then to the floor of the House. It is difficult for me to think of what could be more noncontroversial than Congress recognizing the importance of sending dollars directly to the classroom. We want to make sure every tax dollar we spend on education makes a real difference in the life of a child.

Specifically, the Dollars to the Classroom resolution calls on the U.S. Department of Education to work with States and local school districts to ensure that 95 percent of funds for elementary and secondary education are spent to improve the academic achievement of our children in their classrooms. The United States spends twice as much; I repeat, the United States spends twice as much as any other country to administer education.

Too much is spent on bureaucracy at all levels of government. We need to do our part to make sure that Federal dollars do not enable bureaucracies at State and local levels to grow even larger. We know very little about what proportion of Federal dollars are spent in the classroom. The Department of Education says 84 percent. Others say even less. But we do not need to argue about the exact number.

The evidence of bureaucracy taking away resources from the classrooms are plentiful. For example, more than 13,000 employees are funded with Federal dollars and State education agencies to administer Federal programs. It would take 20,000 full-time employees a year to fill out all of the paperwork produced by the Department of Education. In just the Elementary and Secondary Education Act there are more than 60 programs. Overall there are more than 760 education programs.

I think we can all agree that Congress should be about the business of empowering parents and teachers to do their jobs as effectively as possible, and that means giving them the resources to educate children as effectively as possible. It is time to transform the Federal rule to make it student centered, not program centered, to make it results centered rather than process centered. At the end of the day what is more important is how these programs are working to improve student achievement. We want to make sure that every tax dollar counts and goes to helping children learn. We think this is best accomplished by moving resources to the people who do help children learn, parents and classroom teachers.

Mr. Speaker, I reserve the balance of my time.

Mr. CLAY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, all of us agree that it is important to send the vast majority of education dollars to the classroom. In fact, that is exactly what the Federal Government is doing right now according to the new report by the GAO. On September 30, GAO released an analysis of the top 10 education programs

and found that the Department of Education distributed over 99 percent of the money to the States.

The States, in turn, distributed an average of 94 percent of the funds they received to local school districts. Far from the bureaucratic nightmare of wasted Federal dollars repeatedly alleged by some in the Republican majority, GAO found that States used their funds on providing technical assistance to local educational agencies, to professional development for teachers, to program evaluation and to curricula development.

Mr. Speaker, GAO also surveyed local school administrators in nine representative school districts and made the following emphatic conclusion, and I quote: ''We found that State staffs spent very little time administering the programs and that district office staff also generally spent little time administering them,'' end of quote.

Mr. Speaker, it is quite ironic that this GAO study was not requested by Democrats, but by the majority, Republican majority. Now I suspect that some of those who requested this study were hoping that it would be a hit job on the Department of Education. Instead, it confirms what we have said all along. The Department of Education spends less than 1 percent of funds on administration.

So I hope that this new GAO report will stop those who would falsely demagogue the administration of the Department of Education programs. We want solutions, not false and empty resolutions. The majority's funding plan for education is in shambles. We should get on with finishing the reauthorization of the Elementary and Secondary Education Act instead of wasting time on this blatant effort to undermine public support for Federal education spending.

Mr. Speaker, I reserve the balance of my time.

Mr. GOODLING. Mr. Speaker, I yield such time as he may consume to the gentleman from Pennsylvania (Mr. PITTS), who has worked so hard that this money does get down, in spite of what we just heard, to the classroom teacher.

Mr. PITTS. Mr. Speaker, first I want to commend the gentleman from Pennsylvania (Mr. GOODLING) for his leadership and support on behalf of this resolution and all education reform. I just want to mention first of all, in response to the gentleman from Missouri who cited a GAO report, that he did not continue reading from the report. I have a copy of it here. Let me continue reading what he failed to read:

''After saying that collectively the States distributed 94 percent of the Federal funds they received mainly to local agencies,'' it continues, ''excluding the $7.3 billion Title I program, one of the largest elementary secondary education programs. The overall percentage of funds States allocated to local agencies by the remaining 9 programs was 86 percent.''

I could read more, but that is the quote used in the resolution.

Also he mentioned the local administrators not complaining. Let me give my colleagues a quote from my school superintendent when he came to present testimony before the Committee on Education and the Workforce. He said, ''The direct funding of dollars for classroom teachers' use would put the money in the hands of the people who would make the difference in districts like ours. Who better to decide what is needed in his or her classroom than the teacher.''

Another one Dr. Linder Shingo, a superintendent from Georgia: ''Administrators from Washington will never meet the needs of individual children. I cast my vote for returning as many dollars directly to the local schools as we are able. Less bureaucracy on all levels would allow more dollars to directly reach the students in the classroom.''

In addition, one of the administrators said they do not even bother applying for the Federal funds because of the administrative requirements and the costs to them in the local level and the paperwork and the procedure necessary to apply for the Federal funds.

But, Mr. Speaker, let me go ahead and say that I rise in support, strong support, of the Dollars to the Classroom resolution today, an effort on which we have been working for a couple of years to ensure that our Federal elementary and secondary education dollars get to where they belong, in the classroom of our public schools where teachers who know a child's name has some control over the money.

Overall not a lot, a high percentage of our schools' funding is from the Federal Government. Most of it is State and local government funds, but about 6 to 7 percent does come from the Federal Government, and this is about in a day of tightening tax dollars the need for more efficient and effective use of our tax dollars. Currently, as I mentioned, it is estimated and depending on the programs some more some less, but it is estimated from between 65 to 86 percent of the Federal education dollars make it to the classroom for educational purposes.

Regardless of the exact amount, that is not enough. It is no secret that funds designated for the education of our kids are wasted when they are not funneled down to the level where they can actually play a supportive role in classroom activities, and instead they are often funneled off by bureaucracies at all levels. The importance of this Dollars to the Classroom resolution today is that we should set a standard to reduce bureaucratic and ineffective spending. We should work to get more money into the local classroom. We should prioritize the way we spend our education tax dollars and put children first.

This is about the kids. This is for them. We must get the dollars down to where they benefit, where the action is, into the classroom, and our kids deserve to be the prime beneficiaries of Federal funding. This resolution calls on Federal, State, and local agencies to ensure that 95 percent of the funds are used for classroom activities and services.

What could this mean for our kids? First, it would signal an important systemic shift in how Federal education dollars can be delivered to our Nation's schools. It could mean more books, more textbooks. I have had students from my district share that their textbooks are in some cases older than their teachers. In the words of an eighth grader who was here last year and who spoke, he said quote, ''Our geography books are from the 1980s. A lot has happened in the world since then. Instead of calling the books Geography Today, they should be called Geography of the World 15 years ago,'' end quote.

□ 1615

That is a pretty astute comment for an eighth grader. More dollars to the classroom could also mean more teachers, more teacher aides. This money could be used for teachers' salaries. More dollars to the classroom could mean new computers, computer software, even microscopes so that students have new opportunities of discovery in science and physics and mathematics.

It is a little-known fact that most public schoolteachers now dip into their own pockets to provide supplies for their classrooms, sometimes spending hundreds and even thousands of dollars a year. Yet, consider this fact: according to the General Accounting Office study in fiscal year 1993, Federal education dollars funded 13,397 full-time equivalent positions in State education agencies. In fiscal year 1998, the Department of Education's paperwork and data reporting requirements totaled 40 million of what they call burden hours, which is the equivalent of 19,300 people working 40 hours a week for one full year.

If we are honestly going to discuss our priorities in Federal funding of elementary and secondary education, we must ask why so much funding goes to the bureaucracy instead of going right to the kids in the classroom. With the dollars to the classroom resolution, we aim to put priority back on our kids. This is a goal on which we all can agree. We should vote for the Dollars to the Classroom resolution, recognizing that local schools, not bureaucracies, are best suited to make decisions about allocating resources. They understand their students' backgrounds, their needs; they can respond to them most directly with proven methods of instructions. We should trust the parents and our teachers and our public schools to use money to meet their unique needs. Vote for the dollars to the classroom resolution.

Mr. Speaker, I yield back the balance of my time.

Mr. CLAY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am at a loss to understand why the gentleman would exclude Title I from factoring in the administrative costs when it is the largest education program in the country, $8 billion. And when we factor in the ESEA to Title I funding, my figures are correct. Ninety-nine percent of the Federal money goes to the States, and 94 percent of that goes to the classroom.

The problem the gentleman from Pennsylvania has is with his State agency. IDEA, when we send Federal money to the State, the State keeps 25 percent of it instead of sending it on to the LEAs or the local LEAs or to the classroom. When the national average for that money is 13.5 percent, what is the State of Pennsylvania doing with the other 13.5 percent, the other 12.5 percent? That is where his problem is, and that is where he ought to be trying to get the State legislature to do something about that.

Mr. Speaker, I yield 4 minutes to the gentleman from California (Mr. MARTINEZ).

(Mr. MARTINEZ asked and was given permission to revise and extend his remarks.)

Mr. MARTINEZ. Mr. Speaker, I have to agree with the ranking member, the gentleman from Missouri (Mr. CLAY). The problem is not here in the Federal Government because the Federal Government does send most of the money to the local States and school districts, it is the local States' and school districts' options to do with that money what they will. In fact, there is a contradiction here. They are saying 95 percent goes to the classroom when in fact, more than 95 percent goes to the classroom already, 99 percent goes. The fact is, with this resolution one would think we are opting to give the locals the discretion to use more than the 1 percent they are using now for administration and use the 5 percent for administration, so in actuality, the resolution is counteracting what they are professing to do.

But more than that, the gentleman referred to the GAO study and the GAO study, in actually looking at the schools, it says, in the context of the government as it prepares to consider the reauthorization, and they asked to determine how the educational programs and the administration money was used for, and the final thing it says, we selected nine school districts to ensure that the districts were of varying sizes, were located in different parts of the country, and represented a mix of urban, suburban, and rural districts; and their conclusion was, in visiting the nine schools of the Nation's 16,000 school districts, they found that the school level staff spent very little time administering the programs and their district office staff, which also generally spent very little time administering the programs.

Mr. Speaker, I hate to be here on the floor wrangling about something that gives somebody a 30-second political soundbite that they can use in some way to enhance themselves in saying this is what we do for education. I rise in opposition to this resolution because it is a nonbinding resolution to begin with, and although it urges the Department of Education, the Federal Department of Education, the States and local educational agencies to strive to ensure that 95 percent of all Federal funds appropriated for educational programs are spent to improve academic achievement in the classroom, let me tell my colleagues that in those local school districts where the bulk of the money comes from, they are doing exactly that. They are trying to spend that money in a way that they can guarantee the academic achievement in the classroom of these young children, contrary to what my friends on the other side of the aisle say.

While it is a nice sentiment, I must express my dismay that we are wasting, as the chairman said, valuable time on the floor on this resolution when we could be doing so many other things that are more important such as providing monies for classroom construction in the local schools, something that we have been refusing to do which would go a long way in helping these kids achieve academic fulfillment. We are about 2 weeks into the fiscal year, and we only have about nine of the 13 annual appropriations bills, including the educational appropriations bill, still outstanding.

If the Republicans call for the Federal Government to shut down next week, no Federal money will be going to those classrooms where they want 95 percent to go. In addition, as the gentleman from Missouri (Mr. CLAY) pointed out, according to a recent study that they ordered by GAO that was done at the request of the gentleman from Pennsylvania (Mr. GOODLING) and the gentleman from Michigan (Mr. HOEKSTRA) and the gentleman from Pennsylvania (Mr. PITTS), 95 percent of all of the Federal education dollars are already being spent on improving that academic achievement.

So here we are today, wasting time on a resolution that does not do anything because it is nonbinding, urging the Department and the States and the districts to do something that they have already been doing for a good number of years. We in the Congress have a tendency to contradict and let us say over and over again to the public school districts that they are not doing what they should be doing in educating their children. There may be public school districts in some places that need a lot of improvement. But the fact of the matter is, 95 percent of all of the people that sit in this chamber and 95 percent of all of our staff are products of the public schools. If the public schools are so bad, then how did we all get here. I say we ought to let the locals do as they know best as they say so many times and take our nose out of their business.

Mr. GOODLING. Mr. Speaker, I yield myself such time as I may consume. I guess I should ask to have my statement brought back to me, because I cut out all that nonsense political partisanship that was written into it, but maybe after hearing all of this nonsense, I should bring it back and read that too. Obviously, some people have not read the resolution, because the resolution very specifically says that the Federal Secretary should work with State and local officials to bring this about.

Mr. Speaker, I yield 2 minutes to the gentleman from Michigan (Mr. HOEKSTRA), and I ask unanimous consent that he control our time from this point on.

The SPEAKER pro tempore (Mr. STEARNS). Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. HOEKSTRA. Mr. Speaker, I thank the chairman for yielding me this time and applaud the chairman for the work that over the years he has done on education. I also thank the chairman for the opportunity that he provided me over the last couple of years to take our subcommittee around the country and hold a series of hearings that we entitled education at a crossroads.

As we went around the country, as we heard from governors, as we heard from local officials, we did hear about the Federal money that goes to the local level, that goes to the State level. We consistently heard about the money that comes to the local level, the money that goes to the State level and how Federal strings are tied to that money. Not necessarily consuming dollars in Washington, but consuming lots of dollars at the State and local level, either in applying for the programs, finding out what programs existed, or meeting the reporting requirements of the various education programs.

So the requests from the States, the requests from the local agencies and the local departments of education was, send us the money, free us from the mandates, free us from the paperwork, give us a system that allows us to focus on educating our kids, free us up so that we can focus on meeting the educational needs of our local communities and our local schools. And that, in the bigger sense, is what dollars to the classroom is about. It is saying that number one, we want to target Federal education dollars to the States and to the local levels, eliminating bureaucracy.

But the larger component of dollars to the classroom encourages the Secretary to take a look at the total picture of the costs that we are imposing on States and local agencies where we are not spending Federal dollars, but where we are spending local and State dollars to meet Federal requirements. We need to endorse the direction of this approach; this is a good proposal, and I urge my colleagues to vote for it.

Mr. CLAY. Mr. Speaker, I yield 5 minutes to the gentleman from New Jersey (Mr. ANDREWS).

(Mr. ANDREWS asked and was given permission to revise and extend his remarks.)

Mr. ANDREWS. Mr. Speaker, I rise in opposition to this resolution. If this was a debate about military policy, this would be like us ignoring the People's Republic of China and declaring war on the British Virgin Islands.

We are here today to discuss a problem that has largely been solved; at the same time, we are ignoring some very real problems in America's classrooms.

The chairman of the committee and the distinguished subcommittee chairman wrote to the General Accounting Office who calls them as they see them. And they said, we have heard all of these concerns that too many dollars are being kept in Washington and spent by the Washington bureaucrats and not getting back to the classroom. Tell us what the facts are. And the GAO did a study of it and the GAO came to this conclusion: in fiscal year 1996, the Department of Education distributed over 99 percent of its appropriations for the 10 programs to the States, the States in turn collectively distributed 94 percent of that money to the local districts.

Then we hear that, well, all the money is really being spent by the local districts in filling out papers and complying with all of these rules. The GAO sent investigators to nine school districts, they did in-depth evaluation and discussion with the personnel in those districts and here is what they concluded: this is not the Democratic Party concluding this or the Republican Party concluding this, this is the GAO, which I think has, as their motto is on the front page, a reputation for dependability and integrity, and here is what they said: we found that school level staff spent very little time administering the programs and the district office staff also generally spend little time administering them.

So it seems to me that we are here discussing, in large part, a problem that exists only in the minds of the majority. Title I, less than 1 percent of the funds spent in Washington. IDEA, less than 1 percent of the funds spent in Washington. The Perkins loan program, nothing spent in Washington. Safe and drug-free schools which the majority tried to eliminate a few years ago, less than 1 percent spent in Washington. Goals 2000, that terrible Federal takeover of our schools that they resisted so violently, less than 1 percent spent in Washington. The school-to-work program, maybe we should take a look at this, 7 percent spent in Washington, 93 in the States; the Eisenhower program, less than 1 percent spent in Washington. Innovative education, nothing spent in Washington, bilingual education, 1 percent; Even Start, 1 percent.

Now, I say to my colleagues, there are some real problems that we ought to be discussing. In my State of New Jersey, children today in over 50 schools went to schools that are more than 100 years old. Children went to 1,000 that were more than 50 years old that are falling apart, yet the majority has not seen fit to bring a school construction bill to this floor. My colleagues may disagree in the majority with school construction, but, Mr. Speaker, let us bring it to the floor and have an honest debate and a vote.

□ 1630

We are discussing the issue of class size reduction. There are children going to kindergarten, first and second grade, in schools with 36 and 37 children. They can learn successfully, but every valid piece of educational research we know says that children tend to do better when they are in with 17 or 18 children in the primary grades. Bring to the floor legislation that will fund, not just talk about but fund, a class size reduction.

The majority's Committee on Appropriations is apparently about to propose an across-the-board cut in the Labor-HHS appropriation bills that will cut across-the-board Title I, IDEA, Perkins, Safe and Drug-Free Schools, Goals 2000, School-to-Work, Eisenhower, Innovative Education, bilingual, Even Start, and all the rest. So they want 95 percent of a smaller number, I would guess.

Mr. Speaker, this is a well-intentioned amendment, but it talks about a problem that largely has already been solved. I would suggest that we get to work solving one that really exists. Let us put our workers to work in this country building and repairing schools, let us put qualified teachers in every classroom, and let us put ourselves to work on the real issues of education.

Mr. HOEKSTRA. Mr. Speaker, I yield 2½ minutes to my colleague, the gentleman from South Carolina (Mr. DEMINT).

Mr. DEMINT. Mr. Speaker, I am real curious about the facts and statistics that we just heard, because I have been in about 20 schools over the last couple of months, and what I have heard does not bear up to teachers who even yesterday were telling me that they were spending so much of their time dealing with paperwork.

In Ohio, it is estimated that 50 percent of the paperwork burden was generated by Federal education programs, though the Federal resources provided only 5 percent of the funding. In Arizona, Lisa Graham Keegan, the State superintendent for public construction, says that while the Federal programs only account for 6 percent of the education spending in the State, 45 percent of the staff in the State Department of Education work with or manage Federal programs.

I was in a dilapidated school yesterday that would like to renovate, but they cannot because of Federal regs. If they touch one bit of that building, they have to bring the whole building into compliance with ADA, which means it is cheaper to tear it down and build another one than it is to renovate to make it a better building.

The things we do here in Washington, while well-intended, have a stranglehold on our schools. A special education student that is profoundly affected still has an education plan that is six pounds that a teacher has to use. There are only two pages they actually use for that student, but there are six pounds to cover themselves from lawsuits that come from the Federal level.

Mr. Speaker, I rise today in strong support of House Resolution 303, which urges that 95 cents of every Federal education dollar be spent in the classroom. I am a cosponsor of this important resolution because I believe it sets forth the vision that many of us have for education in this country, a vision in America where all children are achieving their fullest potential because they are taught by well-trained teachers in disciplined classrooms filled with educational resources.

Our children's education is most secure when the dollars and decisions are controlled back home by parents and teachers and local school districts. Spending 95 cents of every Federal dollar in the classroom is a worthy and attainable goal to improve education in our country. Our students deserve to have the money that we are setting aside for them actually work for them in the classroom.

The statistics that we hear here by whatever government agency are a far cry from what teachers and principals and people are telling us back home. Let us take our hands off of it and let the system work. Let teachers teach and principals take care of their schools.

Mr. CLAY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am still having trouble understanding this non-debate about this non-educational issue. The very people who requested the GAO to study the problem and the allegations they are making claim that they do not like what they hear. Well, they asked this independent body to report, to study and report. Now, when the body reports back, they say they do not believe it or they do not like it or they do not understand it.

I do not understand what this issue is about. We know that the vast majority of funds from the Federal and State level go into the classroom. I think it is a political issue that they have hyped up and it is backfiring on them, because all credible evidence shows that the money is going into the classroom, so it is a non-issue. This is a non-debate.

Mr. Speaker, I yield back the balance of my time.

Mr. HOEKSTRA. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania (Mr. Pitts), the sponsor of the resolution.

Mr. PITTS. Mr. Speaker, first of all, it is never a waste of time to talk

about the money spent on our kids, educating our kids in the classroom.

As far as the statistics, reading from the gentleman's own report, he says that 99 percent, and I will read the same sentence, it does not say ''to the classroom,'' it says, ''distributed over 99 percent of the appropriations from the 10 programs to the States.'' It does not say ''to the classrooms.''

Now, if we read down lower on that page, page 3, it says if we exclude Title I, which is the most efficient program, and look at the other nine, we have an average of 86 percent in those nine programs. So from the gentleman's own report, and if the gentleman will look on page 10, it graphs each one as far as what is the administrative cost of the States, the States' use. If we just disregard the Federal use and look at the State agencies on page 10, only two programs meet the 5 percent or below. All the rest are above. That is just what the State administrative costs are, not the local administrative costs.

Our resolution states, ''The local education agencies should work together to ensure that not less than 95 percent of all funds appropriated for the purpose of carrying out elementary and secondary education programs administered by the Department of education is spent to improve the academic achievement of our children in their classroom.''

So what we are talking about is what is really important here. That is the kids in the classroom. That is what this resolution is all about, how are we going to impact the kids' learning and give the equipment, the tools to the teachers that directly impact the children, give them the aid that directly impacts their teaching so our kids can compete in this world. That is the goal of this resolution. I urge the Members to adopt it.

Mr. HOEKSTRA. Mr. Speaker, I yield myself such time as I may consume.

To close the debate, the direction that we are establishing for Federal involvement for education is that we want to move towards safe and drug-free schools. We want local schools that focus on basic academics. We want local control, and we want to drive dollars back to the classroom. That is where we believe and that is where we know we have the most leverage on improving our kids' education.

This resolution states that. It says that as a Federal Government, we are committed to moving Federal dollars back to the local level, where we can have the most impact. I urge my colleagues to support this resolution.

Ms. WOOSLEY. Mr. Speaker, I'm amazed that my colleagues on the other side of the aisle are supporting legislation to tell local communities how they should spend their education dollars.

Education in America has always been a local issue and I, for one, think it should stay local.

In the communities which I represent in Congress, Communities in Marin and Sonoma County, California, the decisions on how to use education funds are made by locally elected school boards, with input from parents, educators and students.

They don't need Washington, DC telling them where to spend their money!

Every community in my district already spends the majority of its education funds in the classroom.

But, sometimes a community needs to spend funds in other ways, such as teacher training activities, educational technology or coordinated services.

No matter how much money we spend in the classroom, children must come to school ready to learn; teachers need to advance their skills; and students should have the benefit of modern educational technology.

We have always relied on parents, educators and local community leaders to make local education decisions. I urge my colleagues to show their trust in the folks back home by voting against H. Res. 303.

Mr. PACKARD. Mr. Speaker, I would like to urge my colleagues to support H. Res. 303, a resolution which urges that 95 cents of every federal education dollar be send back to where they belong—in the hands of parents and teachers. The Dollars to the Classroom Resolution, H. Res. 303, calls on education agencies at all levels to ensure that 95 percent of federal spending for elementary and secondary education programs makes it into the classrooms of this country.

The Dollars to the Classroom Resolution recognizes the fact that learning takes place in a classroom, and thus student-focused expenditures on direct learning tools, such as books, computers, maps, and microscopes, should be prioritized. H. Res. 303 calls on education agencies to work together to ensure that federal elementary and secondary appropriations are put to use on instructional purposes for youth in classrooms. We must make a commitment to send more education dollars to schools, libraries, teachers, and students—not administrators and federal bureaucrats. The Dollars to the Classroom Resolution will require that 95 percent of federal education funds be used for classroom activities and services.

Mr. Speaker, I urge my colleagues to give teachers and parents the final authority over how education dollars are spent—not the federal government—and support H. Res. 303.

Mr. HOEKSTRA. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. STEARNS). The question is on the motion offered by the gentleman from Pennsylvania (Mr. GOODLING) that the House suspend the rules and agree to the resolution, House Resolution 303, as amended.

The question was taken.

Mr. HOEKSTRA. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

GENERAL LEAVE

Mr. HOEKSTRA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on House Resolution 303.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

FATHER THEODORE M. HESBURGH CONGRESSIONAL GOLD MEDAL ACT

Mr. BACHUS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1932) to authorize the President to award a gold medal on behalf of the Congress to Father Theodore M. Hesburgh, in recognition of his outstanding and enduring contributions to civil rights, higher education, the Catholic Church, the Nation, and the global community.

The Clerk read as follows:

H.R. 1932

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Father Theodore M. Hesburgh Congressional Gold Medal Act''.

SEC. 2. FINDINGS.

The Congress finds that—

(1) Father Theodore M. Hesburgh, C.S.C., has made outstanding and enduring contributions to American society through his activities in civil rights, higher education, the Catholic Church, the Nation, and the global community;

(2) Father Hesburgh was a charter member of the United States Commission on Civil Rights from its creation in 1957 and served as chairperson of the Commission from 1969 to 1972;

(3) Father Hesburgh was president of the University of Notre Dame from 1952 until 1987, and has been president emeritus since 1987;

(4) Father Hesburgh is a national and international leader in higher education;

(5) Father Hesburgh has been honored with the Elizabeth Ann Seton Award from the National Catholic Education Association and with more than 130 honorary degrees;

(6) Father Hesburgh served as co-chairperson of the nationally influential Knight Commission on Intercollegiate Athletics and as chairperson, from 1994 to 1996, of the Board of Overseers of Harvard University;

(7) Father Hesburgh served under President Ford as a member of the Presidential Clemency Board, charged with deciding the fates of persons committing offenses during the Vietnam conflict;

(8) Father Hesburgh served as chairman of the board of the Overseas Development Council and in that capacity led fundraising efforts that averted mass starvation in Cambodia in 1979 and 1980;

(9) Father Hesburgh served from 1979 to 1981 as chairperson of the Select Commission on Immigration and Refugee Policy, which made recommendations that served as the basis of congressional reform legislation enacted 5 years later;

(10) Father Hesburgh served as ambassador to the 1979 United Nations Conference on Science and Technology for Development; and

(11) Father Hesburgh has served the Catholic Church in a variety of capacities, including his service from 1956 to 1970 as the permanent Vatican representative to the International Atomic Energy Agency in Vienna and his service as a member of the Holy See's delegation to the United Nations.

SEC. 3. CONGRESSIONAL GOLD MEDAL.

(a) PRESENTATION AUTHORIZED.—The President is authorized to present, on behalf of the Congress, a gold medal of appropriate design to Father Theodore M. Hesburgh in recognition of his outstanding and enduring contributions to civil rights, higher education, the Catholic Church, the Nation, and the global community.

(b) DESIGN AND STRIKING.—For purposes of the presentation referred to in subsection (a), the Secretary of the Treasury (in this Act referred to as the ''Secretary'') shall strike a gold medal with suitable emblems, devices, and inscriptions, to be determined by the Secretary.

SEC. 4. DUPLICATE MEDALS.

The Secretary may strike and sell duplicates in bronze of the gold medal struck pursuant to section 3 under such regulations as the Secretary may prescribe, at a price sufficient to cover the cost thereof, including labor, materials, dies, use of machinery, and overhead expenses, and the cost of the gold medal.

SEC. 5. NATIONAL MEDALS.

The medals struck pursuant to this Act are national medals for purposes of chapter 51 of title 31, United States Code.

SEC. 6. AUTHORIZATION OF APPROPRIATIONS; PROCEEDS OF SALE.

(a) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be charged against the Numismatic Public Enterprise Fund an amount not to exceed $30,000 to pay for the cost of the medal authorized by this Act.

(b) PROCEEDS OF SALE.—Amounts received from the sales of duplicate bronze medals under section 4 shall be deposited in the Numismatic Public Enterprise Fund.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Alabama (Mr. BACHUS) and the gentlewoman from California (Ms. WATERS) each will control 20 minutes.

The Chair recognizes the gentleman from Alabama (Mr. BACHUS).

Mr. BACHUS. Mr. Speaker, I yield myself such time as I may consume.

(Mr. BACHUS asked and was given permission to revise and extend his remarks.)

Mr. BACHUS. Mr. Speaker, we are not only here to honor a great American, a great university president, but in doing that, this Congress is also saluting and paying tribute to the Catholic higher education in America and its significant contribution.

Catholic universities and colleges constitute an extraordinary variety of institutions. The high quality of the education they provide is well known to most Americans, and the contribution they make to the life of this Nation and the world is tremendously positive. So we not only salute a great American, but the gentleman from Indiana, the chief sponsor of the bill, the gentlewoman from California and I and the entire Committee on Banking and Financial Services in doing so wish to salute Catholic higher education in America.

Mr. Speaker, I will be talking about some of those great institutions as we consider this coin.

Mr. Speaker, I reserve the balance of my time.

Ms. WATERS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of bestowing the Congressional Gold Medal of Honor to a very worthy and outstanding American. Father Hesburgh was educated at Notre Dame and the Georgian University in Rome, for which he received a bachelor of philosophy degree in 1939. He was ordained a priest by the congregation of the Holy Cross in Sacred Heart Basilica on the Notre Dame campus June 24, 1943 by Bishop John F. Knoll of Fort Wayne.

Following his ordination, Father Hesburgh continued his study of sacred theology at the Catholic University of America, Washington, D.C., receiving his doctorate in 1945. In 1952 he was named the 15th president of Notre Dame, where he served until retiring in 1987, ending the longest tenure among active presidents of American institutions of higher learning.

Father Hesburgh has held 15 presidential appointments over the years, most recently to the U.S. Institute for Peace, and they involved him in virtually all of the major social issues: civil rights, peaceful issues of atomic energy, campus unrest, and Third World development, to name only a few.

His stature as an elder statesman in American higher education is reflected in his 133 honorary degrees, the most ever awarded to any American. Highlighting a lengthy list of awards to Father Hesburgh is the Medal of Freedom, the Nation's highest civilian honor, bestowed on him by president Lyndon JOHNSON in 1964.

Notre Dame's president emeritus has served four Popes, three as permanent Vatican city representative to the International Atomic Energy Agency in Vienna from 1956 to 1970.

Justice has been the focus of many of his outside involvements. He was a charter member of the U.S. Commission on Civil Rights, created in 1957, and he chaired the Commission from 1969 to 1972, when President Nixon replaced him as chairman for his criticism of the administration's civil rights record.

Among his more recent and visible off-campus activities has been as co-chairman of the nationally-influential Knight Commission on Intercollegiate Athletics, and his involvement with the Center for Civil and Human Rights.

☐ 1645

There are 292 cosponsors of this legislation, and, of course, it is led by my colleague and friend the gentleman from Indiana (Mr. ROEMER), who has done a magnificent job in helping to organize and focus us on the fact that this human being has contributed so much we need to give him special recognition.

Mr. BACHUS. Mr. Speaker, I yield 1 minute to the gentleman from Iowa (Mr. LEACH), the chairman of the Committee on Banking and Financial Services.

Mr. LEACH. Mr. Speaker, I thank my distinguished friend, the gentleman from Alabama (Mr. BACHUS) for yielding me this time, and also thank him for his leadership and that of the gentlewoman from California (Ms. WATERS) and, of course, the gentleman from Indiana (Mr. ROEMER), for bringing this bill before us.

The United States Congress rarely authorizes gold medals. In this case, it is choosing to do so for a man who symbolizes the most profound of American values, a faith-based commitment to civil rights, to quality education, to peace and the processes needed to produce a more civil world. Father Hesburgh is a man of and for all seasons. His life is worthy of admiration and, more importantly, replication. Heroes are many kinds, but if there is such a thing as a hero of faith, it is Father Hesburgh. He has ennobled his church, his university, his country. With this Congressional Gold Medal, we honor his life and his contribution to our times. By so doing, we also pay homage to the role of Catholic education and church leadership in America.

Mr. BACHUS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, there are approximately 230 Catholic institutions of higher education in our country. There are 600,000 students enrolled in those institutions; and, as I said, there is extraordinary variety in these institutions. They literally are spread across the map of the United States. If one goes to Maine, one will find Saint Joseph's College. If one goes to Honolulu, one will find Chaminade University; if one goes to Florida, one will find Barry University; St. Thomas in Miami. If one goes to Washington State, one will find Gonzaga in Spokane; Seattle University in Seattle, a tremendous number of these institutions making a tremendous contribution.

One of the premier institutions is Notre Dame and it is the president of that institution that we honor today.

Mr. Speaker, I reserve the balance of my time.

Ms. WATERS. Mr. Speaker, I proudly yield such time as he may consume to the gentleman from Indiana (Mr. ROEMER), the chief sponsor of the bill.

(Mr. ROEMER asked and was given permission to revise and extend his remarks.)

Mr. ROEMER. Mr. Speaker, first of all, we would not be here without the strong bipartisan support of the Committee on Banking and Financial Services that has jurisdiction over this issue. I want to thank the gentlewoman from California (Ms. WATERS) for her dedication and her commitment to bringing this bill honoring Father Hesburgh as a Holy Cross priest and the University of Notre Dame to the floor today.

I want to thank the chairman, the gentleman from Alabama (Mr. BACHUS) for his strong support and his commitment to Catholic education. I want to thank the chairman, the gentleman from Iowa (Mr. LEACH), who just had those eloquent words to say. I want to thank the gentleman from New York

(Mr. LAFALCE), our ranking member. I also want to thank the Members who helped me get this resolution started. The gentleman from New York (Mr. KING) was very helpful, a Republican; the gentleman from Georgia (Mr. LEWIS), a Democrat; the gentleman from Indiana (Mr. VISCLOSKY), a Democrat; the gentleman from Indiana (Mr. SOUDER), a Republican, those were the people that started talking about many of these issues, and with my good friend who served with Father Hesburgh on the Civil Rights Commission, the gentleman from California (Mr. HORN), who took the case to the United States Congress to honor with distinction, with dedication, with integrity this great man and we now have 292 cosponsors on this bill.

It is interesting, and I say to my colleagues, about the history of the Congressional Gold Medal of Honor, that we have awarded it initially and primarily to military leaders for their bravery. We honored notables in science and math, explorers and space pioneers going up into the heavens. We have honored athletes and we have honored authors and poets and we have honored humanitarians and public servants. People such as George Washington, adorned right here on this wall; John Paul Jones and Charles Lindbergh; Thomas Edison and Jonas Salk garnered this high honor.

What is so unusual about Father Hesburgh, what is so unique about what he brings to this award is not just his devotion and passion for people and for equality and civil rights, it is not just his dedication to public service or his strong feelings about the importance of higher education and ethics and integrity and teaching those things at a Catholic University, but it is the three things that he has done with his life that we honor here today.

It is public service. It is devotion to higher education. It is passionate commitment to religion as a Holy Cross priest.

Now, the gentlewoman from California (Ms. WATERS) and the gentleman from Iowa (Mr. LEACH) and others have talked about these three areas. Let me just spend a bit more time on each of them.

First of all, his dedication to public service. He has held 15 different presidential appointments, and I think among them, the most proud times that I have spent with him at lunch and dinner he has talked so passionately about his charter membership on the U.S. Commission on Civil Rights and how he fought so diligently in the 1960s, with the Kennedy and the Johnson administration, for the passage of the historic 1964 Civil Rights Act. That is something that Father Hesburgh continues to fight hard for and feels passionately about those civil rights for each and every American.

He also joined, in 1971, the Board of the Overseas Development Council; and he led fund-raising efforts on that council in 1979 and 1980 that averted mass starvation in Cambodia. He saved thousands of lives with his commitment to try and prevent starvation and trying to encourage more access to food and relief around the world, especially for Third World nations. He also has been strongly committed to higher education, where he served for 35 years as the President of the University of Notre Dame.

When he came to Notre Dame, I think some had said it was a very good school, with a great football team. Well, today it is an internationally recognized research and teaching institution that attracts the best students and the best faculty and also, by the way, still has a great football team. He continues to emphasize the important things such as moral and intellectual dimensions and faith-based learning at the University of Notre Dame.

He also encourages the students at the University of Notre Dame through the center for social concerns to volunteer in the local community and around the United States, and globally in the world to help fight through volunteerism to make a difference with their lives, not only at Notre Dame but after they leave that institution.

By the way, 80 percent of Notre Dame graduates have volunteered in some capacity before they graduate from the University of Notre Dame.

Finally, the third area that Father Hesburgh has devoted so much of his life to, as a Catholic priest, as a CSC priest and his religious beliefs, he has taught the value of volunteering. He has stressed the issues of social justice, not just in South Bend, Indiana, not just in the United States but in Cambodia, in Africa, in the Middle East, where he continues to be very involved in trying to gain peace and tolerance there.

Father Hesburgh, through fighting for social justice, has always been amplifying the voice of the homeless, has always been advocating the concern of the poor and has always been trying to put a voice out there for those that are voiceless and poor and not able to lobby the government of the United States.

So I have deep admiration for Father Hesburgh, and it is with great joy that this bill, H.R. 1932, comes to the House Floor and that we recognize Father Hesburgh's achievements over the many years.

In conclusion, Father Hesburgh probably was a man for all seasons, a man of many causes, a man of deep devotion to the Catholic church, a man of dedication to higher education, a man of overwhelming commitment to public service and to justice for all.

I thank this body for bringing this bill to the House Floor.

Mr. Speaker, I rise in strong support of H.R. 1932, to award the Congressional Gold Medal to Rev. Theodore Hesburgh, C.S.C. Since I introduced this legislation with Representatives PETER KING, JOHN LEWIS, PETE VISCLOSKY, MARK SOUDER, ANNE NORTHUP and 85 original cosponsors in the U.S. House of Representatives, it has enjoyed strong bipartisan support. Currently, my legislation is cosponsored by 292 of my colleagues.

This bipartisan legislation recognizes Father Hesburgh for his many outstanding contributions to the United States and the global community. The bill authorizes the President to award a gold medal to Father Hesburgh on behalf of the United States Congress, and it also authorizes the U.S. Mint to strike and sell duplicates to the public.

The public service career of Father Hesburgh, president emeritus of the University of Notre Dame, is as distinguished as his many educational contributions. Over the years, he has held 15 Presidential appointments and he has remained a national leader in the fields of education, civil rights and the development of the Third World. Highlighting a lengthy list of awards to Father Hesburgh is the Medal of Freedom, our Nation's highest civilian honor, bestowed on him by President Lyndon Baines Johnson in 1964.

Mr. Speaker, justice has been the primary focus of Father Hesburgh's pursuits throughout his life. He was a charter member of the U.S. Commission on Civil Rights, created by Congress in 1957 as a compromise to end a filibuster in the U.S. Senate to prevent passage of any and all legislation concerning civil rights in general and voting rights in particular. Father Hesburgh chaired the commission from 1969 to 1972, until President Nixon replaced him as chairman because of his criticism of the Administration's civil rights record. Additionally, Father Hesburgh was a member of President Ford's Presidential Clemency Board, charged with deciding the fate of various groups of Vietnam offenders.

In 1971, he joined the board of the Overseas Development Council, a private organization supporting interests of the underdeveloped world, and chaired it until 1982. During this time, he led fund-raising efforts that averted mass starvation in Cambodia in 1979–80. Between 1979–81 he also chaired the Select Commission on Immigration and Refugee Policy, the recommendations of which became the basis of Congressional reform legislation five years later. In 1979, Father Hesburgh was appointed Ambassador to the United Nations Conference on Science and Technology for Development—the first time a priest has served in a formal diplomatic role for the U.S. government.

He was involved during the 1980s in a private initiative which sought to unite internationally known scientists and world religious leaders in condemning nuclear weapons. He helped organize an 1982 meeting in Vatican City of 58 world class scientists, from East as well as West, who called for the elimination of nuclear weapons and subsequently brought together in Vienna leaders of six faith traditions who endorsed the view of these scientists.

Father Hesburg stepped down as head of the University of Notre Dame in 1987, ending the longest tenure among active presidents of American institutions of higher learning. He continues in retirement as much as he did as the Nation's senior university chief executive officer—as a leading educator and humanitarian inspiring generations of students and citizens, and generously sharing his wisdom in the struggle for the rights of man.

During the period of unrest on American campuses, a time when educational leaders

were at a loss to understand or deal with the inexplicable reactions of students, people like Father Hesburg stepped forward to explain the ethical purpose and goals of the campus: ''Education is essentially a work of the spirit—the formation of intelligence, the unending search for knowledge. Why then be concerned with values? Because wisdom is more than knowledge; man is more than his mind, and without values man may be intelligent but less than fully human.''

As a member of the U.S. Institute of Peace Board is presently working to find solutions for Middle East tensions as well as those in Eastern Europe. He recently participated in a fact-finding trip to Kosovo with the U.S. Association for the U.N. High Commissioner for Refugees, to view first-hand conditions facing refugees in the aftermath of last spring's NATO bombing campaign and subsequent UN-peacekeeping efforts. He met with senior members of the UNHCR missions and conducted briefings with NATO, Red Cross and other officials in Pristina. They also traveled in the countryside near Pristina to assess the rebuilding process. He recently collected his 140th and 141st honorary degrees this year, the most every bestowed upon one person, according to the Guinness Book of World Records. The latest came from the State University of New York and Connecticut College.

I am personally grateful to Father Hesburg for his friendship and guidance during my years as a student at the University of Notre Dame. My family shares my gratitude. My grandfather, William Roemer, was a professor of philosophy during the early years of Father Hesburg's presidency, and my parents, Jim and Mary Ann Roemer, also worked during his tenure at the University.

Mr. Speaker, I once asked Father Hesburg for advice about how to raise a happy healthy family with children. His reply was helpful, insightful and advice I continue to follow today: ''Love their mother.'' I strongly believe Father Hesburg's response here was just one of many shining examples illustrating that his contributions to family values in American society are as numerous and meaningful as his devoted contributions to human rights, education, the Catholic Church and the global community.

Mr. Speaker, the Congressional Gold Medal has been awarded to individuals as diverse as George Washington, Bob Hope, Joe Louis, the Wright Brothers, Robert Frost, and Mother Teresa. These people, along with 250 individuals and the American Red Cross, share the common bond of outstanding and enduring contributions to benefit mankind. Through the award, Congress has expressed gratitude for distinguishing contributions, dramatized the virtues of patriotism, and perpetuated the remembrance of great events. This tradition, or authorizing individually struck gold medals bearing the patriots of those so honored or images of events in which they participated, is rich with history.

I believe that this is the most appropriate time for Congress and the entire Nation to join me in recognizing this remarkable man and living legend of freedom in America. I strongly encourage my colleagues to support this bipartisan legislation and urge the House of Representatives to pass this important measure. I would like to thank my colleagues who have given their support and worked so hard to move this legislation forward. Additionally, I thank the leadership of the House and the Committee on Banking for their support and efforts to expedite consideration of this bill.

Mr. BACHUS. Mr. Speaker, there are 24 Catholic colleges and universities in the State of New York and among them is Saint Francis College in Brooklyn. One of the original cosponsors of this bill is a graduate not only of Saint Francis but also of Notre Dame.

Mr. Speaker, I yield 2½ minutes to the gentleman from New York (Mr. KING).

Mr. KING. Mr. Speaker, I thank the gentleman for yielding, and I want to commend him for the outstanding work he has done in bringing this resolution to the floor.

I also have to pay tremendous gratitude and express a great debt to the gentleman from Indiana (Mr. ROEMER) for the absolutely tireless job he has done in procuring the signatures, of working hard, of making the case of just being relentless in making sure that this resolution went forward and he certainly has every reason to be proud of himself for the great job he has done.

Most importantly, Mr. Speaker, I am very proud to stand up and speak on behalf of this resolution honoring Father Hesburgh. Father Hesburgh is an outstanding educator, an outstanding religious leader, and an outstanding American. As the gentleman from Indiana (Mr. ROEMER) and others have mentioned, he has done a truly magnificent job during the 35 years that he was president of the University of Notre Dame. I had the privilege of being a law student during the time that he was the President of the university and had firsthand knowledge of the tremendous impact he had on the campus, on all the schools, all its efforts but most importantly of imparting to the students of Notre Dame the obligation of the sense that they had to make a difference, that they had to put into practice what they learned, that religion was not just something that one spoke about in church but something that one lived every day of their life in every endeavor in which one was engaged.

Father Hesburgh did that. He did that by his commitment to civil rights, by his commitment to justice, by his commitment to peace, and by his dedication to his country which is why he is such an outstanding American serving President after President on so many issues, always making himself available to make this a better country and to make this a better world.

Certainly, as a religious leader, he realized the importance of using religion to bring people together, not to divide them, of exemplifying the very best of Christianity, of Catholicism, indeed of all religions, in showing the one God that binds us all, that brings us all together. That was Father Hesburgh, a man who even to this day is a renowned leader.

I was at the Notre Dame campus this weekend and even to this day his presence is still there, not just in the bricks and mortar of the enormous library that is named after him, not just the various programs that are named after him but as the gentleman from Indiana (Mr. ROEMER) said, in the spirit of volunteerism that the students at Notre Dame have accepted and have taken from the Hesburgh tradition; the acknowledgment, the realization that they have the obligation to go out and work among their fellow men and women, those who are not as fortunate as they are, to use the abilities and talents that were brought to fruition in Notre Dame on behalf of those less fortunate than themselves.

□ 1700

So to present the Congressional Gold Medal to Father Hesburgh, it is a great moment for Congress, it is a great moment for Notre Dame, it is a great moment for Father Hesburgh, it is a great moment for all of us who have had the opportunity to know him, to work with him, to meet with him, and to realize that he is getting this recognition which he so much deserves. I urge the adoption of the resolution.

Ms. WATERS. Mr. Speaker, I have no speakers, and I yield back the balance of my time.

Mr. BACHUS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we have several other speakers that wish to be heard. I also want to commend the gentleman from Indiana (Mr. ROEMER).

As I read this statement, I attribute this to the gentleman from Indiana (Mr. ROEMER) and his hard work, and that statement is that H.R. 1932 complies with all rules of the Committee on Banking for coin and medal bills and exceeds the requirement that two-thirds of the Members of the House sponsor the bill.

Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. HORN), former president of Long Beach State University, who worked with Father Hesburgh.

Mr. HORN. Mr. Speaker, I thank the gentleman from Alabama for the time.

I thank the gentleman from Indiana (Mr. ROEMER) for his legislation to award a Congressional Gold Medal to a very distinguished citizen.

Father Theodore ''Ted'' Hesburgh is one of the great citizens of America and the World.

He has served at the call of Presidents of both parties.

He was an original member of the United States Commission on Civil Rights, appointed by President Eisenhower in 1957. He served on that nonpartisan commission through the presidency of John F. Kennedy and Lyndon Baines Johnson and the first term of the presidency of President Richard M. Nixon.

Nixon had urged the then President of Notre Dame to accept the directorship of the Office of Economic Opportunity, the anti-poverty program.

When Father Hesburgh rejected the full-time offer because he wished to

stay at his beloved Notre Dame, President Nixon then offered him the chairmanship of the Civil Rights Commission which was part-time.

At that time, 1969, the President also appointed me to the Commission as the vice chairman. I had an opportunity to see Father Ted's leadership skills close at hand. Believe me, his leadership skills are many and effective.

Father Ted is beloved by all who have known him. He spoke out for human rights and against dictatorships. He has secured the safety for individuals who had fought for human rights in different parts of the world.

Working together with our other four colleagues on the Commission, we were able to begin a systematic analysis of the degree to which cabinet departments and independent agencies were obeying and implementing the great laws—such as the Civil Rights Act of 1964, and the Voting Rights Act of 1965.

Father Hesburgh's inspirational leadership and steady optimism were appreciated by us all. We got things done. Presidents listened.

Father Hesburgh has served his Nation well, not only on matters of civil rights here and abroad, and unemployment, poverty, hunger and agriculture for developing nations so they can feed their people.

Although duties to American higher education off the campus, his door was always open to students when he was at Notre Dame. When the light was on, students knew he was in and climbed up the ladder or the stairs to his quarters for a 1 a.m. or 2 a.m. discussion on philosophy, ethics, and all the other things that he cared about in higher education.

Of course, with great affection, the students kidded about Father Ted's absence. They would ask ''What is the difference between God and Father Ted?'' Answer: ''God is everywhere. Father Ted is everywhere but at Notre Dame.''

Sometimes he would write the student body from ''high over the Andes.'' But the fact was they knew that he was always approachable, both to students and alumni.

His goal was to serve as a parish priest. He had that role to help the veterans from the Second World War who returned or began at Notre Dame. Although he achieved many other accomplishments working with Presidents, Prime Ministers, potentates, kings, queens, dictators, he always remembered that all human begings should have human rights.

America and the World gained much from the dedication and the devotion of the man who saw his role as the local parish priest.

Mr. BACHUS. Mr. Speaker, I yield to myself such time as I may consume.

Mr. Speaker, I will enter into the RECORD a rollcall of the 230 Catholic institutions of higher education in our country. Among these colleges is Georgetown University, our oldest Catholic university, which celebrated its 250th birthday.

The gentleman from Indiana (Mr. ROEMER), the sponsor of this bill, I told him that I once heard a debate between two of my friends as to which was the premier Catholic university, and it was between Holy Cross and Georgetown. I asked them which one of those universities was the premier Catholic university. He told me both of them were wrong, that it was Notre Dame. Of course, the gentleman is from Indiana.

Among these colleges and universities is Spring Hill College in Mobile, Alabama. Spring Hill College was the oldest Catholic college in the Southeast, the fifth oldest in the United States. Among the original cosponsors of this bill today is the gentleman from Georgia (Mr. LEWIS). Spring Hill was praised by Martin Luther King, Jr., as one of the first colleges in the South to integrate racially. As an Alabaman, I am proud of that distinction.

Mr. Speaker, let me mention some of the universities and colleges throughout the Nation which contribute so mightily to the life of this Nation and to the world. I mentioned Georgetown and Holy Cross; Fordham University in New York; St. Louis University; Boston College; Catholic University here in Washington; University of Detroit; the three Loyolas in New Orleans, Los Angeles, and Chicago; DePaul University in Chicago; Marquette University, Creighton University in Omaha; the University of Santa Clara; Villanova, of Saint John's University in New York.

A college that one of my friends went to, and I saw it listed, I take sort of personal privilege in saying Manhattan College, a college that gave many youth on limited income a chance to get ahead with the scholarship.

Many fine women colleges, Catholic colleges for women: St. Mary's College, Notre Dame's sister institution; Trinity College here in Washington, D.C.; and a college that a good friend of mine attended, that being Manhattan in New York.

There are many, many others, but I will simply introduce into the RECORD all 230.

Mr. ROEMER. Mr. Speaker, will the gentleman yield?

Mr. BACHUS. I yield to the gentleman from Indiana.

Mr. ROEMER. Mr. Speaker, I will not object to the gentleman from Alabama entering into the RECORD all 230 universities as long as Notre Dame is the first university entered in. Is that all right?

Mr. BACHUS. Mr. Speaker, he had told me that. The gentleman from New York (Mr. KING) has requested that Notre Dame also be first on the list with St. Francis College in Brooklyn to be added second. So I will consent to that request.

So I offer the list referred to into the RECORD, moving Notre Dame to the front of the list.

[From the association of Catholic Colleges and Universities, Washington, DC]

U.S. CATHOLIC COLLEGES AND UNIVERSITIES

Albertus Magnus College, Allentown College of Saint Francis de Sales, Alvernia College, Alverno College, Ancilla College, Anna Maria College, Aquinas College, Aquinas College, Inc., Assumption College, Assumption College for Sisters, Avila College, Barat College, Barry University, Bellarmine College, Belmont Abbey College, Benedictine College, Benedictine University, Boston College, Brescia University, Briar Cliff College, Cabrini College, Caldwell College.

Calumet College of Saint Joseph, Canisius College, Cardinal Stritch University, Carlow College, Carroll College, Castle College, Chaminade University of Honolulu, Chatfield College, Chestnut Hill College, Christendom College, Christian Brothers University, Clarke College, College Misericordia, College of Mount Saint Joseph, College of Mount Saint Vincent, College of New Rochelle, College of Notre Dame, College of Notre Dame of Maryland, College of Our Lady of the Elms, College of Saint Benedict, College of Saint Elizabeth, College of Saint Francis, College of Saint Mary, College of Saint Rose, College of Saint Thomas More, The College of Santa Fe, College of St. Catherine.

College of St. Joseph, College of St. Scholastica, College of the Holy Cross, Creighton University, D'Youville College, DePaul University, Divine Word College, Dominican College of Blauvelt, Dominican College of San Rafael, Dominican University, Donnelly College, Duquesne University, Edgewood College, Emmanuel College, Fairfield University, Felician College, Fontbonne College, Fordham University, Franciscan University of Steubenville, Gannon University, Georgetown University, Georgian Court College, Gonzaga University, Gwynedd-Mercy College, Heritage College, Hilbert College.

Holy Cross College, Holy Family College, Holy Name College, Immaculata College, Iona College, John Carroll University, King's College, La Roche College, La Salle University, Laboure College, Le Moyne College, Lewis University, Loras College, Lourdes College, Loyola College in Maryland, Loyola Marymount University, Loyola University New Orleans, Loyola University of Chicago, Madonna University, Manhattan College, Manor Junior College, Maria College, Marian College, Marian College of Fond du Lac, Marian Court College, Marist College, Marquette University.

Marygrove College, Marylhurst University, Marymount College, Marymount Manhattan College, Marymount University, Marywood University, Mater Dei College, Mercy College of Northwest Ohio, Mercyhurst College, Merrimack College, Molloy College, Mount Aloysius College, Mount Carmel College of Nursing, Mount Marty College, Mount Mary College, Mount Mercy College, Mount Saint Clare College, Mount Saint Mary College, Mount Saint Mary's College, Nazareth College of Rochester, Neumann College, Newman University, Niagara University, Notre Dame College, Notre Dame College of Ohio.

Ohio Dominican College, Our Lady of Holy Cross College, Our Lady of the Lake College, Our Lady of the Lake University, Pontifical Catholic University of Puerto Rico, Presentation College, Providence College, Queen of the Holy Rosary College, Quincy University, Regis College, Regis University, Rivier College, Rockhurst College, Rosemont College, Sacred Heart University, Saint Anselm College, Saint Gregory's University, Saint John's University, Saint John's University, Saint Joseph College, Saint Joseph's College, Saint Joseph's University, Saint Leo College, Saint Louis University, Saint Mary College.

Saint Mary's College, Saint Mary's College of CA, Saint Mary's University of Minnesota, Saint Mary-of-the-Woods College, Saint Michael's College, Saint Norbert College, Saint Peter's College, Saint Vincent College, Saint

Xavier University, Salve Regina University, Santa Clara University, Seattle University, Seton Hall University, Seton Hill College, Siena College, Siena Heights University, Silver Lake College, Spalding University, Spring Hill College, Springfield College, St. Ambrose University, St. Bonaventure University, St. Catharine College, St. Edward's University, St. Elizabeth College of Nursing, St. Francis College.

St. Francis College, St. John Fisher College, St. Martin's College, St. Mary's University, St. Thomas Aquinas College, St. Thomas University, St. Vincent's College, Stonehill College, The Catholic University of America,

Thomas Aquinas College, Thomas More College, Trinity College, Trinity College of Vermont, Trocaire College, Universidad Central De Bayamon, University of Dallas, University of Dayton, University of Detroit Mercy, University of Great Falls, University of Mary, University of Notre Dame, University of Portland, University of Saint Francis, University of San Diego, University of San Francisco, University of Scranton, University of St. Thomas, University of St. Thomas, University of the Incarnate Word, University of the Sacred Heart, Ursuline College, Villa Julie College, Villa Maria College of Buffalo, Villanova University, Viterbo College, Walsh University, Wheeling Jesuit University, Xavier University, Xavier University of Louisiana.

Mr. Speaker, I want to comment on one other thing about Father Hesburgh, something I did not know about him until I studied about this coin bill, but something that I think is very striking to any of us that were on college campuses in 1969. In fact, not only was I attending the University of Alabama at that time, but I was also a member of the Army Reserves. So this really comes home to me.

Father Hesburgh has received numerous awards from educational groups and from others. We have heard about some of those. Among those was the prestigious John Nickel award given to him in 1970 by the American Association of University Professors. This award, which honors those who uphold academic freedom, recognizes Father Hesburgh's crucial role in blunting the attempt of the Nixon administration in 1969 to use Federal troops to quell campus disturbances.

Now, as someone who was both a university student and also a member of the Army Reserve, I want to commend Father Hesburgh personally. I know that there are a lot of other Americans that applaud his stand on this who know, looking back at this time in history, how great a contribution that was. But we know that it obviously could have avoided some tragic times in our country.

This is one of many, many contributions that he made.

Mr. Speaker, I yield such time as he may consume to the gentleman from New York (Mr. GILMAN), Chairman of the Committee on International Relations.

(Mr. GILMAN asked and was given permission to revise and extend his remarks.)

Mr. GILMAN. Mr. Speaker, I want to commend the gentleman from Alabama (Mr. BACHUS), the gentleman from Indiana (Mr. ROEMER), the initial sponsor of this measure, and for introducing this legislation and for affording me this opportunity to speak today.

I want to commend the gentlewoman from California (Ms. WATERS) for her support on this measure honoring Father Hesburgh.

As a priest, the university president, and a public servant, Father Theodore Hesburgh dedicated his life to providing a better life for all of us and for the development of an improved society. Throughout his lifetime, Father Hesburgh has served on 15 presidential commissions, most recently to the U.S. Civil Rights Commission, peaceful uses of atomic energy, campus unrest, treatment of Vietnam offenders, Third World development, and immigration reform, to name just a few.

Father Hesburgh has significantly contributed to our Nation as a national leader in the field of education, serving on many commissions and study groups, examining matters ranging from public funding of independent colleges and universities to the role of foreign languages and international studies and higher education.

Father Hesburgh's stature as an elder statesman in America's higher education is reflected in his 135 honorary degrees, the most degrees ever awarded to any one American.

Throughout my tenure in the Congress, it has been a pleasure to work with Father Hesburgh to value his distinguished leadership on a number of worthy causes throughout the international spectrum. Accordingly, I am pleased to join with my colleagues in commending Father Hesburgh for his outstanding efforts and accomplishments. I strongly support this recognition of his achievements for our Nation with a Congressional Medal of Honor.

Mr. BACHUS. Mr. Speaker, may I inquire as to how much time we have remaining.

The SPEAKER pro tempore (Mr. SHIMKUS). The gentleman from Alabama (Mr. BACHUS) has 1 minute remaining.

Mr. BACHUS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, when we think of Notre Dame, many of us think of Knute Rockne. They think of the 1913 game when an obscure team from an obscure college at that time, at least obscure to most Americans, played Army and upset them 35 to 13. They think of Knute Rockne and the fighting Irish. They think of that great coach. But that is what we think about on Saturday.

But there is another man we honor today, and that is a man that left his mark on the institution from Monday through Friday, which built Notre Dame into a great academic university. His contributions deserve to be discussed today.

□ 1715

It is for that reason, Mr. Speaker, that this Congress fittingly honors this man, Father Hesburgh.

I would just close by again thanking the gentleman from Indiana (Mr. ROEMER); his companion, the gentleman from Indiana (Mr. VISCLOSKY) in the Indiana Congressional delegation; the gentleman from New York (Mr. KING); the gentleman from Indiana (Mr. SOUDER); the gentleman from Georgia (Mr. LEWIS); and also the gentlewoman from Kentucky (Mrs. NORTHUP).

Mr. SOUDER. Mr. Speaker, I rise in strong support of legislation to award a Congressional Gold Medal to Reverend Theodore Hesburgh in recognition of his outstanding and enduring contributions to civil rights, higher education, the Catholic Church, and the nation. I want to thank my colleague from Indiana, TIM ROEMER, for his initiative in introducing this bill. It has been a pleasure to cosponsor this legislation.

Father Hesburgh is a man known for the wide scope of his influence. However, for me personally as a graduate of the University of Notre Dame, Father Hesburgh will remain etched in my mind as a legendary figure in the field of higher education. The tenacity and passion that he continues to carry into the academic arena are clearly evident.

Serving as Notre Dame's president from 1952–87, Father Hesburgh led the University in its rise to national prominence. When he stepped down as head of Notre Dame—after nearly 35 years—he ended the longest tenure among presidents of American colleges and universities. His position as a fixture in American higher education is reflected in his 135 honorary degrees, the most ever awarded to an American.

Father Hesburgh's influence as an educator goes far beyond measurable successes. His unique vision of the contemporary Catholic university as an institution responsible for touching the moral, as well as the intellectual dimensions, of scholarly inquiry has benefited countless university students—myself included. ''The Catholic University should be a place,'' he wrote, ''where all the great questions are asked, where an exciting conversation is continually in progress, where the mind constantly grows as the values and powers of intelligence and wisdom are cherished and exercised.'' Father Hesburgh instills in students that they have a moral obligation to make a positive contribution to society both inside the classroom as well as in the larger community. Today over eighty percent of Notre Dame students volunteer their time to serve those who are less fortunate.

The public service career of Father Hesburgh is as distinguished as his many educational contributions. Over the years, he has held 15 presidential appointments, served four popes, and he has remained a national leader in the fields of education, civil rights and the development of the third world. The lengthy list of awards honoring Father Hesburgh includes the Medal of Freedom, our nation's highest civilian honor, bestowed on him by President Johnson in 1964. Finally, social justice has been the focus of many of his involvements outside of the university. He was a charter member of the U.S. Commission on Civil Rights, created by Congress in 1957, and chaired the Commission from 1969 to 1972.

Mr. Speaker, as an original co-sponsor of this bill, I strongly encourage my colleagues to join me in bestowing this high honor upon this excellent American.

Mr. LAFALCE. Mr. Speaker, I rise today in support of H.R. 1932, a bill to award a Congressional gold medal to Father Theodore M. Hesburgh, C.S.C., in recognition of his contributions to civil rights, higher education, the Catholic Church, the Nation, and the global community. Before saying more, I would like to commend the bill's author, the gentleman from Indiana (Mr. ROEMER), for his leadership on this bill.

Father Hesburgh was the 15th president of the University of Notre Dame, holding that position from 1952 until 1987, and has been president emeritus since 1987. For half a century, Father Hesburgh has been one of our Nation's greatest public servants and his enormous humanitarian contributions have been widely recognized. In 1964, President Johnson awarded Father Hesburgh the Medal of Freedom, our nation's highest civilian honor.

He has held fifteen U.S. presidential appointments in such areas as the peaceful use of atomic energy, Third World development, immigration (having chaired the Select Commission on Immigration and Refugee Policy from 1979 to 1981), and civil rights (having chaired the U.S. Commission on Civil Rights from 1969 to 1972). In each case, Father Hesburgh has served with distinction.

It is not surprising, given this record of principled, dedicated public service, that the University of Notre Dame founded the Hesburgh Program in Public Service in 1987. The Hesburgh Program seeks to prepare Notre Dame students for an active life devoted to the pursuit of effective and just responses to issues in American society. In short, it encourages young men and women to emulate Father Hesburgh's years of selfless, devoted service.

Moreover, two buildings on the Notre Dame campus bear the Hesburgh name. In 1987, the Memorial Library was renamed the Hesburgh Library in recognition of his active role in the establishment of the library in 1959, the fulfillment of its goals in the years since, and the personal example he has set for Americans young an old as a lifelong learner.

The second building honored with his name is the Hesburgh Center for International Studies. Home to the Joan B. Kroc Institute for International Peace Studies and the Helen Kellogg Institute for International Studies, the Hesburgh Center reflects Father Hesburgh's vital contribution and desire to expand our understanding of the world around us, improve the resolution of violent conflicts, and promote human rights, equitable development, and social justice here and abroad.

It is with the utmost respect and admiration for Father Hesburgh and his life's work that I support today's recognition of his accomplishments which have benefitted our nation and urge unanimous passage of H.R. 1932.

Mr. BACHUS. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. SHIMKUS). The question is on the motion offered by the gentleman from Alabama (Mr. BACHUS) that the House suspend the rules and pass the bill, H.R. 1932.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. BACHUS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 1932.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Alabama?

There was no objection.

UPPER DELAWARE SCENIC AND RECREATIONAL RIVER MONGAUP VISITOR CENTER ACT OF 1999

Mr. SHERWOOD. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 20) to authorize the Secretary of the Interior to construct and operate a visitor center for the Upper Delaware Scenic and Recreational River on the land owned by the State of New York.

The Clerk read as follows:

H.R. 20

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Upper Delaware Scenic and Recreational River Mongaup Visitor Center Act of 1999''.

SEC. 2. FINDINGS.

The Congress finds the following:

(1) The Secretary of the Interior approved a management plan for the Upper Delaware Scenic and Recreational River, as required by section 704 of Public Law 95–625 (16 U.S.C. 1274 note), on September 29, 1987.

(2) The river management plan called for the development of a primary visitor contact facility located at the southern end of the river corridor.

(3) The river management plan determined that the visitor center would be built and operated by the National Park Service.

(4) The Act that designated the Upper Delaware Scenic and Recreational River and the approved river management plan limits the Secretary of the Interior's authority to acquire land within the boundary of the river corridor.

(5) The State of New York authorized on June 21, 1993, a 99-year lease between the New York State Department of Environmental Conservation and the National Park Service for the construction and operation of a visitor center by the Federal Government on State-owned land in the Town of Deerpark, Orange County, New York, in the vicinity of Mongaup, which is the preferred site for the visitor center.

SEC. 3. AUTHORIZATION OF VISITOR CENTER FOR UPPER DELAWARE SCENIC AND RECREATIONAL RIVER.

For the purpose of constructing and operating a visitor center for the Upper Delaware Scenic and Recreational River and subject to the availability of appropriations, the Secretary of the Interior may—

(1) enter into a lease with the State of New York, for a term of 99 years, for State-owned land within the boundaries of the Upper Delaware Scenic and Recreational River located at an area known as Mongaup near the confluence of the Mongaup and Upper Delaware Rivers in the State of New York; and

(2) construct and operate such a visitor center on land leased under paragraph (2).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. SHERWOOD) and the gentleman from Puerto Rico (Mr. ROMERO-BARCELÓ) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. SHERWOOD).

GENERAL LEAVE

Mr. SHERWOOD. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on H.R. 20.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. SHERWOOD. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 20, introduced by my esteemed colleague from New York (Mr. GILMAN).

H.R. 20 authorizes the Secretary of the Interior to enter into a 99-year lease for State-owned land within the boundaries of the Upper Delaware Scenic and Recreational River located at Mongaup, New York.

The gentleman from New York (Mr. GILMAN) is to be commended for his hard work on this needed bill, which initiates construction of a visitor center for the Upper Delaware which will serve as an information point for area services and attractions, as well as supply basic traveler needs.

Because the act which established this recreational river limits the Federal authority to acquire lands, Congressional action is needed to authorize the expenditure of appropriated funds for the construction and subsequent operation of a visitor center on leased land.

H.R. 20 is supported by both the National Park Service and the minority. Besides being a necessary addition to an increasingly busy component of the National Park Service, the Mongaup Visitor Center is also important to my constituents because the Congressional district that I represent is bounded on the east by the Upper Delaware River.

I again commend the gentleman from New York (Mr. GILMAN) for his hard work in getting this bill to the floor, and I urge my colleagues to support H.R. 20.

Mr. Speaker, I reserve the balance of my time.

Mr. ROMERO-BARCELÓ. Mr. Speaker, I yield myself such time as I may consume.

(Mr. ROMERO-BARCELÓ asked and was given permission to revise and extend his remarks.)

Mr. ROMERO-BARCELÓ. Mr. Speaker, in 1978, the Congress designated the Upper Delaware River in New York State as a Wild and Scenic River. Since then, hundreds of thousands of visitors from the New York/New Jersey area and around the world have visited the river to enjoy the natural beauty and recreational opportunities of the area.

H.R. 20, submitted and sponsored by the gentleman from New York (Mr. GILMAN), would authorize the construction and the operation of a visitor center for the Upper Delaware. Currently,

the area has no such facility and a visitor's center would enable the National Park Service to offer visitors important information and services much more effectively.

The River Management plan, approved by the Department of the Interior a decade ago, calls for the construction and the operation by the National Park Service of such a facility; and the State of New York has agreed to a long-term lease of a State-owned, 55-acre tract for this purpose.

Construction of the facility will make a visit to this area more enjoyable and more educational, and we urge our colleagues to support H.R. 20.

Mr. Speaker, I yield back the balance of my time.

Mr. SHERWOOD. Mr. Speaker, I yield 4 minutes to the gentleman from New York (Mr. GILMAN).

(Mr. GILMAN asked and was given permission to revise and extend his remarks.)

Mr. GILMAN. Mr. Speaker, I thank the gentleman from Pennsylvania (Mr. SHERWOOD) and the gentleman from Puerto Rico (Mr. ROMERO-BARCELÓ) for bringing this measure to the floor at this time and for their supporting remarks.

Mr. Speaker, as my colleagues may know, in 1978, along with our good friend and former colleagues, the gentleman from Pennsylvania (Mr. MCDADE) and the gentleman from New York (Mr. BINGHAM), I introduced legislation establishing the Upper Delaware Scenic and Recreational River as a component of the National Wild and Scenic River System. It is one of the few wild rivers in the Northeast for which so many people enjoy recreation.

The property proposed for the location of the Upper Delaware Scenic and Recreational River's primary visitors' facility, the Mongaup Visitor Center, is owned by the State of New York's Department of Environmental Conservation. That property was acquired by the State in 1990 as part of a much larger purchase of an 11,000-acre tract intended to provide habitat for a population of wintering bald eagles.

New York State legislation authorizing Federal development of the property as a visitors center by means of a long-term lease was adopted in 1993. A legislative support data package was prepared in 1994 for Federal legislation authorizing development of that site and authorizing appropriation of funds for development and to increase the Upper Delaware's operational base to provide for year-round operation.

The site for the Mongaup Visitor Center contains abundant natural and cultural resources, and this proposal will identify and develop strategies to protect the Mongaup area's natural resources, including the expanding bald eagle population, the half million migrating American shad, 200 species of birds, upland and flood plain forests, hemlock and laurel gorges, and a mile of river front with natural sand beaches.

Mr. Speaker, the visitor center will benefit the community in many respects. It will serve as an educational asset, a local museum, a classroom, and as a driving force in a promotion of the natural and historical resources of the entire region.

Moreover, with 85 percent of the Upper Delaware Scenic and Recreational River under private ownership, the region's struggles to maintain a balance between private property and recreation continues.

Bordered by the Delaware River, the Mongaup River, and New York State Highway Route 97, the visitors center would provide a central location to promote all the services and natural beauty that the region has to offer. The only center of its kind within an hour's drive of New York City, the Mongaup visitor center would open the Upper Delaware Valley to both the local and visiting public.

The National Park Service has been overseeing this area for some 20 years without any base of operations. The State of New York has dedicated funding to purchase the land for this project, to upgrade river services, and to restore the bald eagle population to the region.

As a final phase of the river management plan, the citizens of the Upper Delaware Valley have been apparently awaiting the commencement of this long overdue project.

Accordingly, I urge my colleagues to support this worthy measure.

Mr. SHERWOOD. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the Upper Delaware is a national treasure. Through the efforts of the gentleman from New York (Mr. GILMAN), there will be thousands of people each year that will be able to view it and to kayak in it and to enjoy this beautiful scenic river.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania (Mr. SHERWOOD) that the House suspend the rules and pass the bill, H.R. 20.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

LAMPREY WILD AND SCENIC RIVER EXTENSION ACT

Mr. SHERWOOD. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1615) to amend the Wild and Scenic Rivers Act to extend the designation of a portion of the Lamprey River in New Hampshire as a recreational river to include an additional river segment.

The Clerk read as follows:

H.R. 1615

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Lamprey Wild and Scenic River Extension Act''.

SEC. 2. LAMPREY RECREATIONAL RIVER, NEW HAMPSHIRE.

(a) ADDITIONAL SEGMENT.—The paragraph entitled ''LAMPREY RIVER, NEW HAMPSHIRE'' in section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) is amended—

(1) by striking ''11.5-mile segment extending from the southern Lee town line'' and inserting ''23.5-mile segment extending from the Bunker Pond Dam in Epping''; and

(2) by striking ''towns of'' and inserting ''towns of Epping,''.

(b) MANAGEMENT.—Section 405 of division I of the Omnibus Parks and Public Lands Management Act of 1996 (Public Law 104–333; 110 Stat. 4149; 16 U.S.C. 1274 note) is amended—

(1) in subsection (b)(2), by inserting ''Epping,'' before ''Durham''; and

(2) by striking subsection (c).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. SHERWOOD) and the gentleman from Puerto Rico (Mr. ROMERO-BARCELÓ) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. SHERWOOD).

GENERAL LEAVE

Mr. SHERWOOD. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on H.R. 1615.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. SHERWOOD. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of 1615, introduced by my colleague the gentleman from New Hampshire (Mr. SUNUNU). The gentleman is to be congratulated for his work in protecting a valuable and picturesque river.

Specifically, H.R. 1615 amends the Wild and Scenic Rivers Act to extend the Wild and Scenic River designation to a 12-mile segment of the Lamprey River running through New Hampshire. This new addition would be designated as a recreational river in accordance with the Wild and Scenic Rivers Act.

As part of the Omnibus Parks and Public Land Management Act of 1996, an 11½ mile segment of the Lamprey River was designated at that time as a recreational river. The study done for this segment also found that an additional 12-mile segment upstream warrants a like designation. Now that there is overwhelming local support, this section of the Lamprey River is ready for the designation.

This bill is supported by the National Park Service, and I urge my colleagues also to support H.R. 1615.

Mr. Speaker, I reserve the balance of my time.

Mr. ROMERO-BARCELÓ. Mr. Speaker, I yield myself such time as I may consume.

(Mr. ROMERO-BARCELÓ asked and was given permission to revise and extend his remarks.)

Mr. ROMERO-BARCELÓ. Mr. Speaker, in 1991, the Congress directed the

National Park Service to study the Lamprey River in New Hampshire to determine what portion of the river might be eligible for designation as a Wild and Scenic River.

In 1995, the National Park Service concluded that a little more than 23 miles met the requirements for such designation. However, at the time, there was local support for designating only 11½ miles of the river. As a result, in 1996, Congress abided by the wishes of the local community and designated only the 11.5-mile segment.

Just 3 years later, the designation is so popular in those areas which have it and the programs which grow out of this Wild and Scenic River designation are so successful that those communities where support was once lacking have now voted overwhelmingly to have their segment of the river included. H.R. 1615 would add the additional 12-mile segment to the portion of the Lamprey that is already designated a Wild and Scenic River.

Mr. Speaker, there are two very important things to note here. In designating the Lamprey, the National Park Service and the Congress have been very careful to listen to the wishes of the local communities and to abide by them. In addition, contrary to the views offered by critics of this program, when local communities have an opportunity to see firsthand the positive effects of the Wild and Scenic Rivers Program, they cannot wait to be included.

Mr. Speaker, this is a bipartisan bill that has bipartisan support, and we urge our colleagues to support H.R. 1615.

Mr. Speaker, I reserve the balance of my time.

Mr. SHERWOOD. Mr. Speaker, I yield 5 minutes to the gentleman from New Hampshire (Mr. SUNUNU).

Mr. SUNUNU. Mr. Speaker, I thank the gentleman very much for yielding me the time.

Mr. Speaker, I rise today in support of H.R. 1615, the Lamprey Wild and Scenic River Extension Act. This legislation seeks to fulfill the original intent of the 1996 Omnibus Parks and Public Lands Management Act by incorporating a 12-mile river segment that runs through the Town of Epping, New Hampshire, under the Lamprey River's existing Wild and Scenic designation. H.R. 1615 helps to put the finishing touch on a 29-year effort to protect the Lamprey as a valuable and historic natural resource.

The Lamprey is located in the southeast region of our State and continues to be among New Hampshire's important tributaries.

☐ 1730

As one of only two rivers to achieve Wild and Scenic status, it spans 60 miles and flows through six communities before emptying into the Seacoast Great Bay Estuarine Reserve. Over 300 species of plants and 150 species of birds inhabit its river banks as well as its neighboring marshes and forests, providing a diverse and scenic landscape. The Lamprey is also host to a large quantity of anadromous fish throughout the Great Bay watershed, which include Atlantic salmon, American shad, herring and sea Lamprey as well.

Apart from its impressive ecology, the Lamprey has long been a popular recreational resource for swimming, fishing, hiking and cross-country skiing. The watershed region also houses several historically significant sites including the Wiswall Dam, which is listed on the National Register of Historic Places.

Realizing the importance of the Lamprey as both a natural and economic resource, several organizations and local entities have collaborated in efforts to ensure its stability and long-term preservation. For years, the towns of Durham, Epping, Lee and Newmarket have worked with the New Hampshire Department of Environmental Services to ensure the safekeeping and quality of the Lamprey River. They have been joined by the Lamprey River Advisory Committee, the Stafford Regional Planning Commission and New Hampshire Fish and Game as well to ensure common-sense, local approaches to conservation. The coalition's hard work has led to State efforts to safeguard the river under the New Hampshire Rivers Management and Protection Program, and ultimately the 1996 Wild and Scenic River designation of the 11.5 mile portion of the Lamprey in Durham, Lee and Newmarket.

Most notably, the Lamprey River Advisory Committee, whose members are nominated by each town in the area and the New Hampshire Department of Environmental Services, has made significant strides in preserving and protecting the integrity of the Lamprey by implementing this river management plan. Two years ago, I had the pleasure of meeting with the members of the committee, touring the river's many scenic areas and historic sites and surveying some of the projects upon which the organization has focused its efforts.

Although the National Park Service determined in 1995 that Epping's portion of the Lamprey met the criteria of eligibility for the Wild and Scenic designation, the town opted to wait until the initiative received broad based local support through a town meeting and vote. Last March, with the backing of the Board of Selectmen and the local conservation commission, the citizens of Epping voted by a large margin in support of the expanded Wild and Scenic River designation. At their request, I have introduced H.R. 1615 to enable this community of over 5,000 to build upon the success of the original Lamprey designation and to ensure the continued integrity of this important historic tributary.

Again, I want to thank the members of the committee for their support in moving this legislation forward. I urge the passage of H.R. 1615.

Mr. ROMERO-BARCELÓ. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. SHERWOOD. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. SHIMKUS). The question is on the motion offered by the gentleman from Pennsylvania (Mr. SHERWOOD) that the House suspend the rules and pass the bill, H.R. 1615.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

WILDERNESS BATTLEFIELD LAND ACQUISITION ACT

Mr. SHERWOOD. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1665) to allow the National Park Service to acquire certain land for addition to the Wilderness Battlefield in Virginia, as previously authorized by law, by purchase or exchange as well as by donation, as amended.

The Clerk read as follows:

H.R. 1665

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ADDITION TO WILDERNESS BATTLEFIELD, VIRGINIA.

(a) REMOVAL OF CONDITION ON BATTLEFIELD ADDITION.—Section 2(a)(2) of Public Law 102–541 (16 U.S.C. 425k note; 106 Stat. 3565) is amended by striking ''Provided,'' and all that follows through ''Interior''.

(b) AUTHORIZED METHODS OF ACQUISITION.—

(1) LIMITATIONS ON ACQUISITION METHODS.—Section 3(a) of Public Law 101–214 (16 U.S.C. 425l(a)) is amended—

(A) by striking ''The Secretary'' and inserting ''(1) Except as provided in paragraph (2), the Secretary''; and

(B) by adding at the end the following new paragraph:

''(2) The lands designated 'P04–04' on the map referred to in section 2(a) numbered 326–40072E/89/A and dated September 1990 may be acquired only by donation, and the lands designated 'P04–01', 'P04–02', and 'P04–03' on such map may be acquired only by donation, purchase from willing sellers, or exchange.''.

(2) REMOVAL OF RESTRICTION ON ACQUISITION OF ADDITION.—Section 2 of Public Law 102–541 (16 U.S.C. 425k note; 106 Stat. 3565) is amended by striking subsection (b).

(c) TECHNICAL CORRECTION.—Section 2(a) of Public Law 101–214 (16 U.S.C. 425k(a)) is amended by striking ''Spotslyvania'' and inserting ''Spotsylvania''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. SHERWOOD) and the gentleman from Puerto Rico (Mr. ROMERO-BARCELÓ) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. SHERWOOD).

GENERAL LEAVE

Mr. SHERWOOD. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within

which to revise and extend their remarks on this legislation.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. SHERWOOD. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 1665, introduced by the gentleman from Virginia (Mr. BATEMAN). The gentleman from Virginia has worked hard on this bill which will help the National Park Service protect additional Civil War battlefield land. H.R. 1665 allows the Park Service to acquire certain land for addition to the Wilderness Battlefield in Virginia by purchase or exchange as well as donation. Currently, the Park Service can acquire land only by donation, thereby preventing landowners from disposing of property the Park Service desires to include in the battlefield boundaries. Recently, however, the owners of three tracts of land have expressed their desire to dispose of property to the Park Service which is within the boundaries of the battlefield. Enactment of H.R. 1665 would allow the Park Service to acquire this land.

Mr. Speaker, an amendment was accepted at the subcommittee consideration of this bill which makes it clear that disposal of the land by purchase will only be from willing sellers. This bill now has wide bipartisan support. I urge my colleagues to support H.R. 1665.

Mr. Speaker, I reserve the balance of my time.

Mr. ROMERO-BARCELÓ. Mr. Speaker, I yield myself such time as I may consume.

(Mr. ROMERO-BARCELÓ asked and was given permission to revise and extend his remarks.)

Mr. ROMERO-BARCELÓ. Mr. Speaker, I ask my colleagues to support H.R. 1665, and I commend the gentleman from Virginia (Mr. BATEMAN) for his initiative.

Mr. Speaker, on May 5 and May 6, 1864, Union troops, under their newly promoted overall commander, Ulysses S. Grant, fought a costly battle against Confederate troops, under Robert E. Lee, in an area of northern Virginia called the Wilderness. Despite a bloody flank attack by troops under General Longstreet, the Union soldiers held out and eventually won the battle of the Wilderness.

The Fredericksburg and Spotsylvania County Battlefield Memorial National Military Park was established in 1927 to preserve the area and to commemorate the battle which took place there. The park includes a national cemetery and portions of four Civil War battlefields, but approximately 525 acres of the Wilderness Battlefield, including the site of Longstreet's attack, are not included in the park. Congress expanded the park's boundaries to include the Wilderness Battlefield in 1992 but authorized the National Park Service to acquire the land by donation only. Unfortunately, the owners of the property have declined to donate the lands.

H.R. 1665 would authorize the National Park Service to acquire the 525 acres through purchase or exchange as well as donation. Since adding these lands to the park is already authorized, H.R. 1665 simply expands the mechanisms available to the NPS for accomplishing this goal.

Mr. Speaker, this is a bipartisan bill. It has bipartisan support. We urge our colleagues to support it.

Mr. Speaker, I yield back the balance of my time.

Mr. SHERWOOD. Mr. Speaker, I yield 5 minutes to the gentleman from Virginia (Mr. BATEMAN).

(Mr. BATEMAN asked and was given permission to revise and extend his remarks.)

Mr. BATEMAN. Mr. Speaker, I thank the gentleman from Pennsylvania and the gentleman from Puerto Rico for their support of this measure. I also want to express my sincere thanks to the gentleman from Utah (Mr. HANSEN), who is the chairman of the Subcommittee on National Parks and Public Lands, for expeditiously moving this legislation through his committee and the full Committee on Resources.

I introduced this legislation that we are considering today because I feel strongly that the National Park Service should perpetuate the longstanding goal of preserving Civil War battlefields where events occurred that are dramatic, tragic and bold. The preservation of these lands is critical to conveying the human struggle and tactical components of battle that marked a watershed change in the nature of combat during the Civil War. This bill, H.R. 1665, as was said, would permit the Park Service to buy several tracts of land in the Fredericksburg and Spotsylvania National Military Park that embody these themes.

Before I outline the substance of H.R. 1665, let me touch on the historical significance of the land that will be protected. These three tracts, totaling 532 acres, comprise the area covered by Confederate General Longstreet's flank attack and other events associated with the Battle of the Wilderness. This ground bore witness to one of the most decisive attacks launched by the Confederates during the war in Virginia. It also marked the beginning of the end of the Confederate war effort.

On the morning of May 6, 1864, massive Union attacks pummeled Confederate lines in this area to the point of collapse. Only the timely arrival of General James Longstreet's First Corps of Lee's Army of Northern Virginia prevented total disaster. As Longstreet's troops arrived at the Widow Tapp Farm, west of the tracts in question here, the general threw them into the fight piecemeal, stopping the Union assaults, and even pushing the Federals back several hundred yards. At midmorning, Longstreet conceived the idea of a surprise counterattack against the Union left. Using the unfinished railroad, which borders the tracts in question on the south, as cover, Confederate troops formed unseen opposite the Union left. By 11 a.m., all was ready.

Ripping their way through thickets and underbrush, Confederate troops on a front more than a quarter-mile long thundered northward into the flank of the Union line. The Federals offered brief resistance, but then their lines collapsed. The momentum of the Confederate attack carried gray-clad troops all the way to the Orange Plank Road. There, disaster struck. Confederate General Longstreet was caught in a Confederate volley and fell gravely wounded only a few miles from where, a year before, Stonewall Jackson was mortally wounded by Confederate troops. With that devastating blow, the Confederate attack lost momentum.

But the Federal lines had been ruined. Never again would they threaten the Confederates in the Wilderness. And indeed later that day, the Confederates would resume the attacks and push the Union lines to the edge of disaster. Later that day, woods on these lands would take fire, consuming wounded and dead alike. The fires of the Wilderness would become the signature horror of two of America's most horrific days.

As Members can see, this stretch of land is a key component which will serve to complete the Wilderness Battlefield, ensuring our heritage for generations to come. The vast majority of this land is currently owned by developers. This spring, the prospective developers of this land offered a 3-year window for the government to acquire the tracts. After 3 years, they intend to move forward with development. Recognizing the need to preserve this land, legislation was passed in the 102nd Congress to allow the Park Service to acquire the land by donation. Since the early 1990s, this tract has been the object of intense efforts by nonprofit organizations, all of which have failed to preserve the tract.

I introduced H.R. 1665 because we are running out of time to save this battlefield from being lost forever. H.R. 1665 would permit the Park Service to buy the land which is already within the authorized boundary of the park. The Park Service, which supports H.R. 1665, has worked cooperatively with the owners of the land and the Spotsylvania County Board of Supervisors to protect the land for several years. Once the Park Service has been given legal authorization to acquire the land, they will enter into negotiations with the developers and other landowners to determine the price to be paid to buy the land. The language in this part of the bill prescribes that acquisition of these tracts of land will be from willing sellers only.

Mr. Speaker, I appreciate being given the opportunity to discuss my efforts to save this historically significant

battlefield. Alternatives to Federal acquisition have been exhausted. Congress and the National Park Service must act to acquire the Longstreet Flank Attack site. I urge my colleagues to vote for H.R. 1665.

Mr. SHERWOOD. Mr. Speaker, I would like to commend the gentleman from Virginia for his hard work to preserve this historic site. I am slightly surprised that he did not refer to our great Civil War as the ''War of Northern Aggression.''

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania (Mr. SHERWOOD) that the House suspend the rules and pass the bill, H.R. 1665, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

KEWEENAW NATIONAL HISTORICAL PARKS ADVISORY COMMISSION ACT

Mr. SHERWOOD. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 748) to amend the Act that established the Keweenaw National Historical Park to require the Secretary of the Interior to consider nominees of various local interests in appointing members of the Keweenaw National Historical Parks Advisory Commission, as amended.

The Clerk read as follows:

H.R. 748

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. APPOINTMENTS TO KEWEENAW NATIONAL HISTORICAL PARK ADVISORY COMMISSION.

Section 9(c)(1) of the Act entitled ''An Act to establish the Keweenaw National Historical Park, and for other purposes'' (Public Law 102–543; 16 U.S.C. 410yy–8(c)(1)) is amended by striking ''from nominees'' each place it appears and inserting ''after consideration of nominees''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. SHERWOOD) and the gentleman from Puerto Rico (Mr. ROMERO-BARCELÓ) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. SHERWOOD).

GENERAL LEAVE

Mr. SHERWOOD. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on this legislation.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. SHERWOOD. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 748, introduced by the gentleman from Michigan (Mr. STUPAK). H.R. 748 is a simple yet necessary bill that amends the Keweenaw National Historical Park Act to require the Secretary of the Interior to consider nominees of various local interests in appointing members of the Keweenaw National Historical Park Advisory Commission.

□ 1745

The existing statute establishing the Keweenaw National Historical Park Advisory Commission states that members shall be appointed from nominees submitted by various local government entities. Apparently this has raised constitutional concerns as the statute directs the Secretary of the Interior to appoint to the commission persons nominated by State and local officials. The Department of Justice has stated that this procedure does not satisfy the requirements imposed by the appointments clause for Federal officers. H.R. 748 addresses these constitutional concerns by striking from nominees each place it appears and inserting after consideration of nominees.

This bill has the support of the administration and minority, and I urge my colleagues also to support H.R. 748.

Mr. ROMERO-BARCELÓ. Mr. Speaker, I yield myself such time as I may consume.

(Mr. ROMERO-BARCELÓ asked and was given permission to revise and extend his remarks.)

Mr. ROMERO-BARCELÓ. Mr. Speaker, I rise in support of H.R. 748 submitted by the gentleman from Michigan (Mr. STUPAK). The Keweenaw National Historical Park is located on the Keweenaw peninsula of Lake Superior in northeastern Michigan. The park was established in 1992 to preserve the area's rich copper mining history as well as the oldest and largest lava flow on earth. The first time I ever knew that there was any volcano in America.

The original legislation authorizing the park specified that the Secretary of the Interior was to appoint members of the park's advisory commission from among individuals nominated by State and local officials only. The Department of Justice found that such a restriction on the Secretary's authority conflicted with the appointments clause of the Constitution. As a result, the commission has never been assembled, and H.R. 748 would amend the authorizing statute to alter the terms under which the Secretary may nominate advisory committee members. The legislation makes clear that while the Secretary must consider State and local nominees, he may appoint commission members at will. Such a change would allow the commission to begin fulfilling its important role as a means of local input and coordination for this important park. This has bipartisan support, Mr. Speaker, and we urge our colleagues to support H.R. 748

Mr. Speaker, I reserve the balance of my time.

Mr. SHERWOOD. Mr. Speaker, I have no more requests for time, and I reserve the balance of my time.

Mr. ROMERO-BARCELÓ. Mr. Speaker, I yield such time as he may consume to the gentleman from Michigan (Mr. STUPAK).

Mr. STUPAK. Mr. Speaker, I wish to thank the gentleman for yielding this time to me.

Mr. Speaker, the bill before us today, H.R. 748, is a noncontroversial measure that will simply make a technical correction to the act that established the Keweenaw National Historic Park. Although this measure might be considered insignificant when compared with many of the other pieces of legislation considered in this body, H.R. 748 is very important to the people, the culture, and the history of Michigan's upper peninsula and especially to the Keweenaw peninsula. H.R. 748 would facilitate the appointment of the Keweenaw National Historic Park Advisory Commission for this park located in my district. This correction will help the commission assume a greater role in the development of the park.

The Keweenaw peninsula at one time, Mr. Speaker, was a flourishing economic region in the center for copper mining. This remarkable copper mining history is matched by the extensive commercial fishing and maritime history of the massive Lake Superior which surrounds the peninsula. The splendor and the people of the Keweenaw peninsula rival many, if not most, of the national parks and monuments throughout our Nation.

I wish to thank the chairman of the Committee on Resources, the gentleman from Alaska (Mr. YOUNG), the gentleman from Pennsylvania (Mr. SHERWOOD) and the ranking Democratic member, the gentleman from California (Mr. MILLER) for expediting the consideration of this legislation. I also want to thank the chairman of the Subcommittee on National Parks, the gentleman from Utah (Mr. HANSEN) and the ranking subcommittee Democrat, the gentleman from Puerto Rico (Mr. ROMERO-BARCELÓ) the resident commissioner for Puerto Rico for their assistance.

Mr. Speaker, H.R. 748 is very important to the future of the Keweenaw peninsula and the preservation of its rich and extensive history, and I wish to thank my colleagues for their support of this measure.

Mr. ROMERO-BARCELÓ. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. SHERWOOD. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. SHIMKUS). The question is on the motion offered by the gentleman from Pennsylvania (Mr. SHERWOOD) that the House suspend the rules and pass the bill, H.R. 748, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The title of the bill was amended so as to read: ''A bill to amend the Act

that established the Keweenaw National Historical Park to require the Secretary of the Interior to consider nominees of various local interests in appointing members of the Keweenaw National Historical Park Advisory Commission.''.

A motion to reconsider was laid on the table.

WIRELESS COMMUNICATIONS AND PUBLIC SAFETY ACT OF 1999

Mr. TAUZIN. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 800) to promote and enhance public safety through use of 9–1–1 as the universal emergency assistance number, further deployment of wireless 9–1–1 service, support of States in upgrading 9–1–1 capabilities and related functions, encouragement of construction and operation of seamless, ubiquitous, and reliable networks for personal wireless services, and for other purposes.

The Clerk read as follows:

S. 800

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Wireless Communications and Public Safety Act of 1999''.

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—The Congress finds that—

(1) the establishment and maintenance of an end-to-end communications infrastructure among members of the public, emergency safety, fire service and law enforcement officials, emergency dispatch providers, transportation officials, and hospital emergency and trauma care facilities will reduce response times for the delivery of emergency care, assist in delivering appropriate care, and thereby prevent fatalities, substantially reduce the severity and extent of injuries, reduce time lost from work, and save thousands of lives and billions of dollars in health care costs;

(2) the rapid, efficient deployment of emergency telecommunications service requires statewide coordination of the efforts of local public safety, fire service and law enforcement officials, emergency dispatch providers, and transportation officials; the establishment of sources of adequate funding for carrier and public safety, fire service and law enforcement agency technology development and deployment; the coordination and integration of emergency communications with traffic control and management systems and the designation of 9–1–1 as the number to call in emergencies throughout the Nation;

(3) emerging technologies can be a critical component of the end-to-end communications infrastructure connecting the public with emergency medical service providers and emergency dispatch providers, public safety, fire service and law enforcement officials, and hospital emergency and trauma care facilities, to reduce emergency response times and provide appropriate care;

(4) improved public safety remains an important public health objective of Federal, State, and local governments and substantially facilitates interstate and foreign commerce;

(5) emergency care systems, particularly in rural areas of the Nation, will improve with the enabling of prompt notification of emergency services when motor vehicle crashes occur; and

(6) the construction and operation of seamless, ubiquitous, and reliable wireless telecommunications systems promote public safety and provide immediate and critical communications links among members of the public; emergency medical service providers and emergency dispatch providers; public safety, fire service and law enforcement officials; transportation officials, and hospital emergency and trauma care facilities.

(b) PURPOSE.—The purpose of this Act is to encourage and facilitate the prompt deployment throughout the United States of a seamless, ubiquitous, and reliable end-to-end infrastructure for communications, including wireless communications, to meet the Nation's public safety and other communications needs.

SEC. 3. UNIVERSAL EMERGENCY TELEPHONE NUMBER.

(a) ESTABLISHMENT OF UNIVERSAL EMERGENCY TELEPHONE NUMBER.—Section 251(e) of the Communications Act of 1934 (47 U.S.C. 251(e)) is amended by adding at the end the following new paragraph:

''(3) UNIVERSAL EMERGENCY TELEPHONE NUMBER.—The Commission and any agency or entity to which the Commission has delegated authority under this subsection shall designate 9–1–1 as the universal emergency telephone number within the United States for reporting an emergency to appropriate authorities and requesting assistance. The designation shall apply to both wireline and wireless telephone service. In making the designation, the Commission (and any such agency or entity) shall provide appropriate transition periods for areas in which 9–1–1 is not in use as an emergency telephone number on the date of enactment of the Wireless Communications and Public Safety Act of 1999.''.

(b) SUPPORT.—The Federal Communications Commission shall encourage and support efforts by States to deploy comprehensive end-to-end emergency communications infrastructure and programs, based on coordinated statewide plans, including seamless, ubiquitous, reliable wireless telecommunications networks and enhanced wireless 9–1–1 service. In encouraging and supporting that deployment, the Commission shall consult and cooperate with State and local officials responsible for emergency services and public safety, the telecommunications industry (specifically including the cellular and other wireless telecommunications service providers), the motor vehicle manufacturing industry, emergency medical service providers and emergency dispatch providers, transportation officials, special just 9–1–1 districts, public safety, fire service and law enforcement officials, consumer groups, and hospital emergency and trauma care personnel (including emergency physicians, trauma surgeons, and nurses). The Commission shall encourage each State to develop and implement coordinated statewide deployment plans, through an entity designated by the governor, and to include representatives of the foregoing organizations and entities in development and implementation of such plans. Nothing in this subsection shall be construed to authorize or require the Commission to impose obligations or costs on any person.

SEC. 4. PARITY OF PROTECTION FOR PROVISION OR USE OF WIRELESS SERVICE.

(a) PROVIDER PARITY.—A wireless carrier, and its officers, directors, employees, vendors, and agents, shall have immunity or other protection from liability in a State of a scope and extent that is not less than the scope and extent of immunity or other protection from liability that any local exchange company, and its officers, directors, employees, vendors, or agents, have under Federal and State law (whether through statute, judicial decision, tariffs filed by such local exchange company, or otherwise) applicable in such State, including in connection with an act or omission involving the release to a PSAP, emergency medical service provider or emergency dispatch provider, public safety, fire service or law enforcement official, or hospital emergency or trauma care facility of subscriber information related to emergency calls or emergency services.

(b) USER PARITY.—A person using wireless 9–1–1 service shall have immunity or other protection from liability of a scope and extent that is not less than the scope and extent of immunity or other protection from liability under applicable law in similar circumstances of a person using 9–1–1 service that is not wireless.

(c) PSAP PARITY.—In matters related to wireless 9–1–1 communications, a PSAP, and its employees, vendors, agents, and authorizing government entity (if any) shall have immunity or other protection from liability of a scope and extent that is not less than the scope and extent of immunity or other protection from liability under applicable law accorded to such PSAP, employees, vendors, agents, and authorizing government entity, respectively, in matters related to just 9–1–1 communications that are not wireless.

(d) BASIS FOR ENACTMENT.—This section is enacted as an exercise of the enforcement power of the Congress under section 5 of the Fourteenth Amendment to the Constitution and the power of the Congress to regulate commerce with foreign nations, among the several States, and with Indian tribes.

SEC. 5. AUTHORITY TO PROVIDE CUSTOMER INFORMATION.

Section 222 of the Communications Act of 1934 (47 U.S.C. 222) is amended—

(1) in subsection (d)—

(A) by striking ''or'' at the end of paragraph (2);

(B) by striking the period at the end of paragraph (3) and inserting a semicolon and ''and''; and

(C) by adding at the end the following:

''(4) to provide call location information concerning the user of a commercial mobile service (as such term is defined in section 332(d))—

''(A) to a public safety answering point, emergency medical service provider or emergency dispatch provider, public safety, fire service, or law enforcement official, or hospital emergency or trauma care facility, in order to respond to the user's call for emergency services;

''(B) to inform the user's legal guardian or members of the user's immediate family of the user's location in an emergency situation that involves the risk of death or serious physical harm; or

''(C) to providers of information or database management services solely for purposes of assisting in the delivery of emergency services in response to an emergency.''.

(2) by redesignating subsection (f) as subsection (h) and by inserting the following after subsection (e):

''(f) AUTHORITY TO USE WIRELESS LOCATION INFORMATION.—For purposes of subsection (c)(1), without the express prior authorization of the customer, a customer shall not be considered to have approved the use or disclosure of or access to—

''(1) call location information concerning the user of a commercial mobile service (as such term is defined in section 332(d)), other than in accordance with subsection (d)(4); or

''(2) automatic crash notification information to any person other than for use in the

operation of an automatic crash notification system.

''(g) SUBSCRIBER LISTED AND UNLISTED INFORMATION FOR EMERGENCY SERVICES.—Notwithstanding subsections (b), (c), and (d), a telecommunications carrier that provides telephone exchange service shall provide information described in subsection (i)(3)(A) (including information pertaining to subscribers whose information is unlisted or unpublished) that is in its possession or control (including information pertaining to subscribers of other carriers) on a timely and unbundled basis, under nondiscriminatory and reasonable rates, terms, and conditions to providers of emergency services, and providers of emergency support services, solely for purposes of delivering or assisting in the delivery of emergency services.'';

(3) by inserting ''location,'' after ''destination,'' in subsection (h)(1)(A) (as redesignated by paragraph (2)); and

(4) by adding at the end of subsection (h) (as redesignated), the following:

''(4) PUBLIC SAFETY ANSWERING POINT.—The term 'public safety answering point' means a facility that has been designated to receive emergency calls and route them to emergency service personnel.

''(5) EMERGENCY SERVICES.—The term 'emergency services' means 9–1–1 emergency services and emergency notification services.

''(6) EMERGENCY NOTIFICATION SERVICES.—The term 'emergency notification services' means services that notify the public of an emergency.

''(7) EMERGENCY SUPPORT SERVICES.—The term 'emergency support services' means information or data base management services used in support of emergency services.''.

SEC. 6. DEFINITIONS.

As used in this Act:

(1) SECRETARY.—The term ''Secretary'' means the Secretary of Transportation.

(2) STATE.—The term ''State'' means any of the several States, the District of Columbia, or any territory or possession of the United States.

(3) PUBLIC SAFETY ANSWERING POINT; PSAP.—The term ''public safety answering point'' or ''PSAP'' means a facility that has been designated to receive 9–1–1 calls and route them to emergency service personnel.

(4) WIRELESS CARRIER.—The term ''wireless carrier'' means a provider of commercial mobile services or any other radio communications service that the Federal Communications Commission requires to provide wireless 9–1–1 service.

(5) ENHANCED WIRELESS 9–1–1 SERVICE.—The term ''enhanced wireless 9–1–1 service'' means any enhanced 9–1–1 service so designated by the Federal Communications Commission in the proceeding entitled ''Revision of the Commission's Rules to Ensure Compatibility with Enhanced 9–1–1 Emergency Calling Systems'' (CC Docket No. 94–102; RM–8143), or any successor proceeding.

(6) WIRELESS 9–1–1 SERVICE.—The term ''wireless 9–1–1 service'' means any 9–1–1 service provided by a wireless carrier, including enhanced wireless 9–1–1 service.

(7) EMERGENCY DISPATCH PROVIDERS.—The term ''emergency dispatch providers'' shall include governmental and nongovernmental providers of emergency dispatch services.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Louisiana (Mr. TAUZIN) and the gentleman from Massachusetts (Mr. MARKEY) each will control 20 minutes.

The Chair recognizes the gentleman from Louisiana (Mr. TAUZIN).

GENERAL LEAVE

Mr. TAUZIN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on this legislation, S. 800, and to insert extraneous material on the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

Mr. TAUZIN. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, let me first compliment the gentleman from Massachusetts (Mr. MARKEY) for his usual excellent cooperation and the spirit by which we always bring our bills to the floor on telecommunication from the Committee on Commerce. I want to also thank the gentleman from Virginia (Mr. BLILEY), our chairman, and the other members of the Subcommittee on Telecommunications, Trade and Consumer Protection for the excellent work they have done on this bill.

But most importantly, Mr. Speaker, I want to thank my good friend and new father of his third son, Daniel Martin, the gentleman from Illinois (Mr. SHIMKUS), for not only sponsoring this important piece of legislation, but for leading the charge to make it that which we know it will be soon, the law of the land. Congratulations on the birth of a new son, and we wish the gentleman from Illinois and his wife the best, and this is a good day for him as we hopefully pass this legislation on to the President of the United States for signature.

Mr. Speaker, 1998 was a landmark year in the history of this country. In 1998, more Americans bought cordless phones than wire phones, and for the first time in the history of this technology people were wireless. In fact, some 80 million Americans now carry wireless telephones or pagers. Studies show that most of those American subscribers of these wireless phones purchase them for safety reasons.

People count on those phones to be their lifeline in emergencies, a parent, for example, driving down an interstate highway with babies in the back seat draws comfort from knowing that if the car is involved in a crash, he or she can call 9–1–1 for help, and an ambulance will soon be there. An older American driving alone on a long trip feels safer knowing that if an accident occurs or symptoms strike, they can call 9–1–1 and the State police will soon be on the way.

But there is a problem with that expectation. In many parts of the country when a frantic parent or a suddenly disabled elder punches 9–1–1 on the wireless phone, nothing happens; and in many regions, in fact, 9–1–1 is not the emergency number. The ambulance and the police do not come, and someone may be facing a terrible life-threatening emergency, but they are on their own because they do not know the local number to call. S. 800 will fix that problem by making 9–1–1 the universal number to call in an emergency any time anywhere in the country.

The rule in America ought to be simple. If one is on a highway, a byway, bike path or a duck blind in Louisiana where someone calls 9–1–1, they ought to get help. S. 800 will provide that help, and that is why I am glad to be here to take final action on it. Passing the bill is a recognition as the telecommunications industry changes that laws must also change to govern their operations.

Let me provide a little background on the bill.

The bill started 3 years ago as a much broader effort. Since then, we have listened closely, pared the bill back. This year my friend, the gentleman from Illinois (Mr. SHIMKUS), reintroduced the bill; and it passed overwhelmingly in the House. The other body took our product, made a couple of changes to reflect new information, and essentially the Senate version is nearly identical to Mr. SHIMKUS' bill, and today's action will send that bill on to the President.

It establishes parity between the wireless and wire line communications industries. It provides, in fact, a situation where wireless phones not only will be that safety link but will be eventually locatable; that is, when one makes a wireless call, they will be able to be found and cars will be able to become smarter, and in fact when accidents happen not only will they be helped, but the search will be taken out of the search and rescue. Rescue will be available more quickly.

The Senate replaced a provision in the bill for straight parity provisions in liability that we considered essentially okay, and we concur in those changes. The protections are necessary to help ensure that the wireless technology develops and matures to provide greater services. It also provides, as I said, 9–1–1 service to receive the same protection from liability under State and federal laws as users of wire line 9–1–1 services. This good samaritan principle should apply also on a State by State basis. S. 800 again improves wireless users' privacy by limiting the disclosure of location information to specific instances. Locatability, yes; privacy, still protected.

This is good, sound public policy. It will enhance security and safety for consumers.

I want to thank the other body for the great work they did on the bill. I particularly want to thank the members of the Committee on Commerce, but especially my good friend, the gentleman from Illinois (Mr. SHIMKUS) for his excellent work on this piece of legislation. This is a good one that all Members should support.

Mr. Speaker, I reserve the balance of my time.

Mr. MARKEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to begin by commending my good friend, the gentleman from Louisiana (Mr. TAUZIN) for his excellent work on this legislation and to praise the gentleman from Illinois (Mr. SHIMKUS) for his work and to congratulate him on the addition to his family.

It has been a wonderful day, if we can get all of those things done, plus have the Red Sox beat Cleveland and head on to beat the Yankees and take the curse of the Bambino off of our shoulders. It would be excellent, as well, if we can follow on and beat the Mets and get rid of the Bill Buckner curse as part of this week as well, but it is developing as one of the best weeks I think that this Congress is going to have, at least from this Member's perspective.

I would also like to compliment the gentleman from Virginia (Mr. BLILEY) and thank both of my colleagues for working closely with the gentleman from Michigan (Mr. DINGELL) and myself and the other Democratic colleagues on our side of the aisle; as my colleagues know, the gentlewoman from Missouri (Ms. DANNER) has been very much identified with this legislation right from the beginning.

Mr. Speaker, the bill before us, S. 800, is the Senate version of legislation that picks up on an effort that the gentleman from Louisiana (Mr. TAUZIN) spearheaded last year to enhance the emergency 9–1–1 infrastructure of this country for wireless communications. It is the Senate version of House Bill 438 which was approved by the House overwhelmingly earlier this year.

This is a very timely endeavor given the explosive growth of wireless communications in our country. Mr. Speaker, as more and more Americans use wireless phones, wireless services become less and less perceived as an ancillary, discretionary service. With over 70 million subscribers and with some carriers dropping prices as much as 30 percent in the last year alone, wireless technology is a great success story, and there is no question that every day more consumers will increasingly be relying on wireless technology for both business and safety.

A natural result of the proliferation of these wireless phones is that many consumers will use them to call for help and assistance in time of emergency. Indeed many wireless carriers actively promote their services to consumers as safety devices, and this reemphasizes the need to make that promise a reality for wireless communications.

Both the House and Senate version of this bill seek to enhance public safety by making 9–1–1 the national public safety designated number. This is important because in many jurisdictions the emergency number wireless consumers must call is something other than 9–1–1.

□ 1800

The gentleman from Louisiana has already pointed that out. That is confusing as people cross State boundaries, and unless it is changed, could cost lives. Simply put, establishing 911 as the national emergency number for wireless calls is something that we believe will save lives.

Secondly, the Senate bill also includes a provision that I added as an amendment to last year's wireless 911 legislation in the House conference committee to protect personal privacy. This is, again, something that I have had an enormous concern about in every aspect of telecommunications. How will these communications technologies impinge upon the privacy of every American?

I have tried working with the majority to include a privacy provision in every telecommunications bill that has passed through the House over the last 5 years. This new ever-more sophisticated location technology permits wireless carriers a greater ability to physically pinpoint the geographic location of the caller. This is vital technology for locating people who may be in distress or in an accident, in situations where emergency personnel must quickly locate victims, treat injuries, and get them to respond, so that they can get to a hospital. Yet, the same technology that can save lives also poses privacy issues that must be dealt with simultaneously.

There is no question that information-rich location systems that do wonders to help save lives on our Nation's roadways also pose significant risks for compromising personal privacy. This is because the technology also avails wireless companies of the ability to locate and track individual's movements throughout society, where you go for your lunch break; where you drive on the weekends; the places you visit during the course of a week is your business. It is your private business, not information that wireless companies ought to collect, monitor, disclose, or use without one's approval.

The privacy amendment that I successfully offered last year and which was contained in H.R. 438 this year, as introduced, and is identical to the provisions subsequently adopted in the Senate is in the bill. It stipulates that location information will not be used by wireless carriers, except for 911 emergency purposes, or with the approval of consumers for any other services.

This is an opt-in for consumer privacy. The company has to get one's permission to use this information. They just cannot say well, they did not say we could not use it, so we are going to let everybody in town buy where you go, where you stop, the places you have been. This is opt-in, and that is the way it should be. They should have to come to you and say we want to sell this information to anyone who wants to buy it as to where you are going. Wherever your cell phone goes becomes a monitor of all of your activities.

Finally, the bill also extends liability protections to wireless carriers for emergency calls equivalent to the protection accorded to States for wire phone companies. Liability protection for wireless service is to be implemented on a State-by-State basis, mirroring the services protections accorded local telephone companies in such jurisdictions.

Again, I want to compliment the gentleman from Louisiana (Mr. TAUZIN), the gentleman from Illinois (Mr. SHIMKUS), the gentlewoman from Missouri (Ms. DANNER), and the majority for the way in which they treated us. I think we have a nice, solid compromise package here for all of the Members to support tonight.

Mr. Speaker, I reserve the balance of my time.

Mr. TAUZIN. Mr. Speaker, I yield myself such time as I may consume to first take a second to compliment the gentleman from Massachusetts on the provision that he so eloquently spoke about. His privacy provision is one that he has fought for and we have agreed upon extensively across the Committee on Commerce philosophies, primarily because it not only protects a person's privacy in the sense of someone selling that information, it also protects us from Government knowing where you are going and what you are doing in your life, so it keeps people protected from that kind of scrutiny. I think it was equally important that this amendment be adopted for that purpose.

Mr. Speaker, I am proud to yield such time as he may consume to the gentleman from Illinois (Mr. SHIMKUS), the author of the legislation in the House and the father of a new son.

Mr. SHIMKUS. Mr. Speaker, I would like to thank the chairman for the kind words to my wife and family. We briefly floated the name Billy Tauzin Shimkus, briefly. We settled on Daniel, and as my son, David said, it is now Daniel in the Shimkus den, so he is going to be prepared for a well time in the family.

Mr. Speaker, I thank the gentleman from Louisiana (Mr. TAUZIN), and the gentleman from Virginia (Mr. BLILEY) for their help and support. I also thank the gentleman from Michigan (Mr. DINGELL) and the gentleman from Massachusetts (Mr. MARKEY) for their help and support in working on this important issue. I also would like to recognize the gentlewoman from Missouri (Ms. DANNER) for her constant historic aspect in this battle from my neighboring State of Missouri, and I am sure she is excited about us coming to completion on one portion today.

I am very happy that the House has decided to take up this bill, which is the Senate version of my E–911 legislation. It is a good bill and one which improves upon what was passed out of the Committee on Commerce.

Currently, there are over 68 million wireless phone users in the United States. Many of these users bought their phone specifically for use in emergency situations. Ironically, a simple solution to a life-threatening situation becomes very complicated when some areas in the United States do not use 911 as a cellular number for emergencies, and I recounted numerous times just going over from my side of the St. Louis metropolitan area from Illinois over to Missouri and the Mason

Dixon Line of the Mississippi having two different numbers and how critical that could be at a time of emergency.

At a time when studies have shown that in an accident it is critical to receive care within 30 minutes in urban areas and 50 minutes in rural areas, it is vital that we pass this legislation and get our constituents the care they need. Specifically, both the House and the Senate bills designate 911 as the national emergency number. Importantly, S. 800 includes provisions from the House bill that were drafted by the gentleman from Massachusetts (Mr. MARKEY) to protect consumer privacy. This legislation requires carriers to obtain a customer's express prior authorization before disclosing any location information other than in an emergency situation. Unless this legislation is enacted, there will be no protection for a customer's location information.

Additionally, this bill provides comparable liability protection for wireless and land line carriers with respect to nonemergency communications. Again, I would like to thank the gentleman from Virginia (Mr. BLILEY), our full committee chairman; the gentleman from Louisiana (Mr. TAUZIN), my subcommittee chairman; and the ranking members of both the full committee and the subcommittee. I urge my colleagues to support this important piece of legislation.

Mr. MARKEY. Mr. Speaker, I yield 4 minutes to the gentlewoman from Missouri (Ms. DANNER), who played a critical role in the passage of this legislation.

Ms. DANNER. Mr. Speaker, I rise to express my support for S. 800, the Wireless Communications and Public Safety Act.

This bill, which provides cellular phone users nationwide with a single reliable emergency cellular phone number, will help to ensure that citizens can summon help, whether they are a block from home or thousands of miles away.

I have just had some very exciting information too with regard to my family, and an upcoming birth that is going to be taking place in the spring, so I too am a little excited about children this evening.

Wireless technology has helped to simplify or, in some cases complicate our lives; but one important contribution of cellular telephones is the ability to improve public safety. Cellular phones greatly increase the ability of individuals without access perhaps to wire phones at the time to quickly report accidents or other emergencies and to help speed the arrival of assistance.

In March of 1997, 2½ years ago, I introduced legislation that would standardize State cellular emergency numbers. Earlier this year, I introduced a similar bill to accomplish the same goal. I am pleased that the bill we will vote upon and hopefully pass today includes, among its many other important provisions, the designation of 911 as the universal cellular assistance number, and I hear a cellular ringing in the background. We can tell how prevalent they are.

Adoption of this bill will remove one of the greatest obstacles to the effective use of cellular telephones in emergency situations.

I would like to take this opportunity to share with my colleagues briefly a true story that demonstrates the current limits of wireless phone service, a story that might have ended differently if this law had been in place just a short time ago.

In 1997 on Thanksgiving Day, several months after I had introduced the legislation, a couple from Lenexa, Kansas, was driving south on U.S. 71 in southwestern Missouri. This couple observed a minivan weaving through traffic, driving at erratic speed, and crossing both the road's shoulder and its center line. Using a cellular phone, the passenger tried to reach assistance. However, because she was not aware that the cellular emergency number in Missouri is *55, she was unable to reach assistance quickly because in her neighboring State, her home State of Kansas, it is *47, and if one is on the Kansas turnpike, it is even different.

After attempting several different numbers, she was finally able to reach an operator who connected her to the local police station. However, by that time, it was too late. As the police were beginning to set up their roadblock, the minivan, driven by an individual, collided with an oncoming vehicle containing a mother and her two-year-old child. It resulted in the death of all three.

This tragic accident might have been avoided if the passenger in the Kansas vehicle had been able to reach authorities on the first attempt.

It is troubling that this tragic situation could occur almost anywhere in our Nation. For example, the six States between Kansas City and Washington, D.C. have five different cellular assistance numbers. In the United States as a whole, there are as many as 15 different numbers. Besides making it easier for citizens to report aggressive or impaired drivers, this bill will also enhance an individual's ability to summon help whenever needed, for example, when a person might be lost, injured, or otherwise disabled in a secluded area. Such action would provide people with additional peace of mind.

I urge all of my colleagues to vote in favor of this important public safety legislation. It will literally save lives.

Mr. TAUZIN. Mr. Speaker, could I inquire as to how much time is remaining.

The SPEAKER pro tempore (Mr. UPTON). The gentleman from Louisiana (Mr. TAUZIN) has 11 minutes remaining; the gentleman from Massachusetts (Mr. MARKEY) has 8½ minutes remaining.

Mr. TAUZIN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this bill addresses a great many problems simultaneously. I want to compliment my dear friend, the gentlewoman from Missouri (Ms. DANNER), for the extraordinary efforts she has made to continue to press forward for this legislation, having the experience she has described in mind, and again my good friend, the gentleman from Illinois (Mr. SHIMKUS), for moving it forward.

The one thing we are not doing in this bill is addressing the question of tower siting, and we have taken it out of the bill because it is still a very controversial question that has to do with local jurisdictions and zoning and what have you. But that problem poses a real problem for many parts of our country.

Right here in the Nation's capital, Rock Creek Parkway still does not have cellular service. So citizens in this area who are using that parkway, women and men who are jogging in that park with their children, maybe subject to some unfortunate attack or some problem with their health cannot dial 911; they cannot dial anybody, because there is no cellular service.

The gentleman from Massachusetts (Mr. MARKEY) and I have been pressing the park agency for the agreement to allow cellular service to come to Rock Creek Parkway, but unfortunately, after giving us promises of meeting deadline after deadline after deadline, there is still no agreement to authorize tower siting for cellular service in Rock Creek Parkway. If we cannot get it done right next to the capital, imagine how much trouble Americans all over the country are having getting cellular service established in places where our own Government sometimes stands in the way.

Mr. Speaker, I wish that we had been able to address that problem in this bill. We were not. In order to get the bill through these two bodies and on to the President's desk, it is so important to get 911 out there and all the features we have just described that we have had to drop that important feature of tower siting. But my friend from Massachusetts and I will continue this fight to see to it that one day Rock Creek Parkway has cellular service and that other parks and recreational areas of the country similarly get the right to have that sort of safety protection for the citizens who use those parks.

□ 1815

Mr. MARKEY. Mr. Speaker, will the gentleman yield?

Mr. TAUZIN. I yield to the gentleman from Massachusetts.

Mr. MARKEY. Mr. Speaker, the gentleman put his finger right on the problem. I do not think we want people driving around, driving up Rock Creek without an E–911 signal. That is what we have right now. It would be very helpful if down the line we are able to resolve these tensions that exist between environmental concerns and telecommunications technology, but

ultimately, we have to harmonize the policies to ensure that Americans are able to get the best of both, which right now I think they are being denied.

Mr. TAUZIN. I thank the gentleman.

In this case, Mr. Speaker, the cellular service provider has agreed to put the cellular service antennas onto already existing towers at the tennis center. We would think that would be fine, and we would have cellular service for this park. We still cannot get those approved.

It is an example of a problem that exists all over America, and unfortunately, we do not cure it in this bill, but we are not through in our efforts to get service for Rock Creek Parkway.

I know the gentleman from Massachusetts will not give up, anymore than I will give up in that effort.

Mr. Speaker, I reserve the balance of my time.

Mr. MARKEY. Mr. Speaker, I yield 2 minutes to the gentleman from Tennessee (Mr. FORD), that eloquent forceful advocate.

Mr. FORD. Mr. Speaker, the gentleman from Massachusetts (Mr. MARKEY) is very kind. He has defined his jump shot on this side of the aisle. We thank him for that. My thanks to the gentleman from Louisiana (Mr. TAUZIN), to the gentleman from Massachusetts (Mr. MARKEY), and to the chairman, the gentleman from Illinois (Mr. SHIMKUS), and to the gentleman from Virginia (Chairman BLILEY) and to the ranking member, the gentleman from Michigan (Mr. DINGELL) and the gentlewoman from Missouri (Ms. DANNER). I thank them for all they have done.

Mr. Speaker, S. 800 is a major advancement in our ability to use all our communication abilities to save lives and report crimes. This bill designates 911 as the universal emergency telephone number and replaces the confusing codes and alternative numbers that wireless networks have been forced to use.

The bill upgrades conventional wireline services in areas which do not have the funds to upgrade their services.

Under current law, wireless operators cannot respond to some emergency calls because they are not allowed to process pertinent location information. This legislation, as the gentleman from Illinois has said, will expand the current definition of customer proprietary network information to include local information.

However, it states clearly that a provider must obtain the express prior authorization before a carrier can use location information, other than in an emergency situation.

By extending the current liability protection which exists for landline carriers to wireless carriers, the legislation makes sure that our liability statutes keep pace with ever-changing technology. The bill does not give wireless providers greater protection. It does not change rules for land lines. It simply levels the playing field between the two carriers.

Congress has the opportunity today, and I look forward to joining with colleagues on both sides of the aisle, to open access to emergency services anywhere in this country. Whether it is on a gridlocked highway or in the middle of a national park, emergency service will never be out of reach.

I thank the gentlewoman from Missouri (Ms. DANNER), the gentleman from Louisiana (Mr. TAUZIN), I thank the jump-shooting gentleman from Massachusetts (Mr. MARKEY), and the gentleman from Illinois (Mr. SHIMKUS). I look forward to being part of the vote in favor of the Wireless Communications and Public Safety Act of 1999.

Mr. MARKEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would only point out that in order to have a jump shot, we must be able to get off the ground. I would like to have the gentleman have an opportunity to revise and extend so that he can correct any erroneous impression that he may have left with the listening audience here today with regard to my jumping ability.

Mr. Speaker, I yield 2 minutes to the gentleman from Houston, Texas (Mr. GREEN), the illustrious legislator and another luminary in the firmament of jump-shooting basketball players in Congress.

(Mr. GREEN of Texas asked and was given permission to revise and extend his remarks.)

Mr. GREEN of Texas. Mr. Speaker, I thank my colleague for yielding time to me.

Mr. Speaker, I am glad the gentleman corrected or at least gave my friend, the gentleman from Tennessee (Mr. FORD), the opportunity to correct himself. The gentleman from Massachusetts (Mr. MARKEY) and I both lost our jump shot about 30 years ago.

Mr. FORD. Mr. Speaker, will the gentleman yield?

Mr. GREEN of Texas. I yield to the gentleman from Tennessee.

Mr. FORD. Mr. Speaker, the gentleman does have a set shot.

Mr. GREEN of Texas. I stand corrected.

I am glad to be here, Mr. Speaker, with both my colleague, the gentleman from Louisiana (Mr. TAUZIN), the chairman of the Subcommittee on Telecommunications, Trade, and Consumer Protection, and the ranking member in support of S. 800.

For over 68 million wireless subscribers, wireless communications is often the critical link in emergency and accident situations.

Mr. Speaker, from the city of Houston, our Greater Harris County Emergency Network has taken great strides in implementing E–911 services. Over the past year in Houston, Texas, the emergency service has been conducting a test of an actual E–911 network with simulated 911 wireless calls. The test has met with great success, and the city's action has made them a leader and role model for the rest of the country in deploying and implementing E–911. I applaud all localities that are taking this extra step toward implementing this in our communities.

The ultimate goal in S. 811 is to deploy an end-to-end seamless wireless safety network that will save lives.

There are some obstructions we need to overcome. I am glad my colleague, the gentleman from Massachusetts, was able to get his privacy amendment in there, because there are times that we want to know where we are at, particularly in an emergency, but also we do not want Big Brother looking over our shoulders, so I am glad that hopefully was addressed.

Currently, wireless emergency calls do not include location information. Location information allows a wireless 911 call to be located on a map within 100 meters of the actual call. S–800 enforces current FEC rules that call for Automatic Information Location to be put in place by October 1, 2001. It eliminates the barriers to installing wireless location technology, and assists emergency medical and public safety communities to respond to calls for help.

Mr. Speaker, in response, and the gentleman has heard it in our committee hearing, last spring I was going through a number of States, including Louisiana, Mississippi, Alabama, Tennessee, and Virginia. I did not realize how many States had different numbers than 911. So if nothing else, this bill will do that, but it does a lot more.

Mr. MARKEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would correct the gentleman from Houston, it is Massachusetts, rather than Massatusetts. We are very sensitive to that as we head into the Yankee Series. Mr. Speaker, we recommend to the full House that this bill be accepted.

Mr. BLILEY. Mr. Speaker, I am pleased that we have the opportunity today to complete a project that has been a high priority for the Commerce Committee since December of last year. S. 800 is sound public policy that will have a positive impact on the lives of all Americans for years to come. While the changes contained in the bill are rather small compared to some bills we consider in the House, the impact will be very significant to the lives and safety of our constituents.

Let me start by thanking the other body for their work on this issue. Last Congress, the Commerce Committee considered a similar bill led by my good friend from Louisiana, Mr. TAUZIN, that did not make it to the House floor. This Congress we were able to bring a new bill, H.R. 438, led by my good friend from Illinois, Mr. SHIMKUS, to the House floor with overwhelming support. This work became the basis for the other body's effort on this issue. The result is S. 800, which slightly modifies and improves the House product without altering the underlying concepts.

S. 800 will resolve once and for all the telephone number people need to dial in order to get emergency personnel. The bill establishes 911 as the universal emergency number for both wireless and wireline telecommunications services. In many parts of our nation, the

seemingly ubiquitous telephone number, 911, is not the number used by the local community for emergencies. What seems like such a simple concept has not been implemented uniformly throughout the nation. This situation causes consumer confusion that can delay or prevent emergency personnel from reaching people in need. For instance, there are approximately 15 emergency numbers used around the country for wireless calls. These range from 911 to *55, #77, to the acronym of the State highway police, to the local sheriff or police department.

Think about the typical American experience of taking a family vacation. When you are out on the roads of America with your family and you see an accident or get involved in an accident yourself, how do you get help for your loved ones if you don't know how to reach emergency personnel? Take a moment to imagine trying to get emergency help on an interstate highway when you are not certain of your precise location and you may have no idea of what number that State has adopted to call emergency personnel. These scenarios are real and they happen every day.

Thankfully we are making the thoughtful decision through this bill that there should be one number for consumers to dial to reach emergency personnel. This will remove the dialing guessing game and help improve the safety of our citizens.

S. 800 also provides liability parity between wireline and wireless carriers. Wireless carriers have made a compelling case as to why liability parity is justified in this limited instance and how public safety will be enhanced if it is enacted. The public safety community is also strongly supporting this provision recognizing that the deployment of wireless location technology is being stalled because wireless companies are correctly concerned about their exposure to lawsuit for trying to improve the safety of their systems. With over 100,000 wireless emergency calls being placed each day, pinpointing the exact location of wireless calls will be extremely helpful in improving emergency response time. Liability protection will help facilitate the deployment of such technology.

Lastly, S. 800 will provide privacy protections for consumers in the use of subscriber call location information. As call location information technologies are deployed, it is equally important that we ensure that this information is treated confidentially. It is not appropriate to let government or commercial parties collect such information or keep tabs on the exact location of individual subscribers. S. 800 will ensure that such call location information is not disclosed without the authorization of the user, except in emergency situations, and only to specific personnel.

These are well thought-out, well-vetted concepts that have received broad bipartisan support.

I want to thank all Members that have helped us get where we are today. I especially want to thank Senators BURNS, MCCAIN, and HOLLINGS, and their staffs for the work that went into S. 800. I also want to thank the relevant industry parties involved, including the U.S. wireless companies and their trade associations—the Cellular Telecommunications Industry Association and the Personal Communications Industry Association—for their continued support and helpful suggestions. It is also important that we recognize the fine work of the public safety community, including the ComCARE Alliance, for continuing to remind us that these simple reforms will be so helpful to the safety of Americans. I ask that a letter sent to me by the ComCARE Alliance on this bill be made part of the RECORD.

I urge all Members to support passage of the bill.

Mr. MARKEY. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. TAUZIN. Mr. Speaker, asking all Members to join us in this bill, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. SHIMKUS). The question is on the motion offered by the gentleman from Louisiana (Mr. TAUZIN) that the House suspend the rules and pass the Senate bill, S. 800.

The question was taken.

Mr. TAUZIN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

HILLORY J. FARIAS DATE-RAPE PREVENTION DRUG ACT OF 1999

Mr. UPTON. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2130) to amend the Controlled Substances Act to add gamma hydroxybutyric acid and ketamine to the schedules of controlled substances, to provide for a national awareness campaign, and for other purposes, as amended.

The Clerk read as follows:

H.R. 2130

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Hillory J. Farias Date-Rape Prevention Drug Act of 1999''.

SEC. 2. FINDINGS.

The Congress finds as follows:

(1) Gamma hydroxybutyric acid (also called G, Liquid X, Liquid Ecstasy, Grievous Bodily Harm, Georgia Home Boy, Scoop) has become a significant and growing problem in law enforcement. At least 20 States have scheduled such drug in their drug laws and law enforcement officials have been experiencing an increased presence of the drug in driving under the influence, sexual assault, and overdose cases, especially at night clubs and parties.

(2) A behavioral depressant and a hypnotic, gamma hydroxybutyric acid (''GHB'') is being used in conjunction with alcohol and other drugs with detrimental effects in an increasing number of cases. It is difficult to isolate the impact of such drug's ingestion since it is so typically taken with an ever-changing array of other drugs and especially alcohol, which potentiates its impact.

(3) GHB takes the same path as alcohol, processes via alcohol dehydrogenase, and its symptoms at high levels of intake and as impact builds are comparable to alcohol ingestion/intoxication. Thus, aggression and violence can be expected in some individuals who use such drug.

(4) If taken for human consumption, common industrial chemicals such as gamma butyrolactone and 1.4-butanediol are swiftly converted by the body into GHB. Illicit use of these and other GHB analogues and precursor chemicals is a significant and growing law enforcement problem.

(5) A human pharmaceutical formulation of gamma hydroxybutyric acid is being developed as a treatment for cataplexy, a serious and debilitating disease. Cataplexy, which causes sudden and total loss of muscle control, affects about 65 percent of the estimated 180,000 Americans with narcolepsy, a sleep disorder. People with cataplexy often are unable to work, drive a car, hold their children or live a normal life.

SEC. 3. ADDITION OF GAMMA HYDROXYBUTYRIC ACID AND KETAMINE TO SCHEDULES OF CONTROLLED SUBSTANCES; GAMMA BUTYROLACTONE AS ADDITIONAL LIST I CHEMICAL.

(a) ADDITION TO SCHEDULE I.—

(1) IN GENERAL.—Section 202(c) of the Controlled Substances Act (21 U.S.C. 812(c)) is amended by adding at the end of schedule I the following:

''(d) Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation, which contains any quantity of the following substance having a depressant effect on the central nervous system, or which contains any of their salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation:

''(1) Gamma hydroxybutyric acid.''.

(2) SECURITY OF FACILITIES.—For purposes of any requirements that relate to the physical security of registered manufacturers and registered distributors, gamma hydroxybutyric acid and its salts, isomers, and salts of isomers manufactured, distributed, or possessed in accordance with an exemption approved under section 505(i) of the Federal Food, Drug, and Cosmetic Act shall be treated as a controlled substance in schedule III under section 202(c) of the Controlled Substances Act.

(b) ADDITION TO SCHEDULE III.—Schedule III under section 202(c) of the Controlled Substances Act (21 U.S.C. 812(c)) is amended in (b)—

(1) by redesignating (4) through (10) as (6) through (12), respectively;

(2) by redesignating (3) as (4);

(3) by inserting after (2) the following:

''(3) Gamma hydroxybutyric acid and its salts, isomers, and salts of isomers contained in a drug product for which an application has been approved under section 505 of the Federal Food, Drug, and Cosmetic Act.''; and

(4) by inserting after (4) (as so redesignated) the following:

''(5) Ketamine and its salts, isomers, and salts of isomers.''.

(c) ADDITIONAL LIST I CHEMICAL.—Section 102(34) of the Controlled Substances Act (21 U.S.C. 802(34)) is amended—

(1) by redesignating subparagraph (X) as subparagraph (Y); and

(2) by inserting after subparagraph (W) the following subparagraph:

''(X) Gamma butyrolactone.''.

(d) RULE OF CONSTRUCTION REGARDING CONTROLLED SUBSTANCE ANALOGUES.—Section 102(32) of the Controlled Substances Act (21 U.S.C. 802(32)) is amended—

(1) by redesignating subparagraph (B) as subparagraph (C); and

(2) by inserting after subparagraph (A) the following subparagraph:

''(B) The designation of gamma butyrolactone or any other chemical as a listed chemical pursuant to paragraph (34) or (35) does not preclude a finding pursuant to subparagraph (A) of this paragraph that the chemical is a controlled substance analogue.''.

(e) PENALTIES REGARDING SCHEDULE I.—

(1) IN GENERAL.—Section 401(b)(1)(C) of the Controlled Substances Act (21 U.S.C. 841(b)(1)(C)) is amended in the first sentence by

inserting after ''schedule I or II,'' the following: ''gamma hydroxybutyric acid in schedule III,''.

(2) CONFORMING AMENDMENT.—Section 401(b)(1)(D) of the Controlled Substances Act (21 U.S.C. 841(b)(1)(D)) is amended by inserting ''(other than gamma hydroxybutyric acid)'' after ''schedule III''.

(f) DISTRIBUTION WITH INTENT TO COMMIT CRIME OF VIOLENCE.—Section 401(b)(7)(A) of the Controlled Substances Act (21 U.S.C. 841(b)(7)(A)) is amended by inserting ''or controlled substance analogue'' after ''distributing a controlled substance''.

SEC. 4. AUTHORITY FOR ADDITIONAL REPORTING REQUIREMENTS FOR GAMMA HYDROXYBUTYRIC PRODUCTS IN SCHEDULE III.

Section 307 of the Controlled Substances Act (21 U.S.C. 827) is amended by adding at the end the following:

''(h) In the case of a drug product containing gamma hydroxybutyric acid for which an application has been approved under section 505 of the Federal Food, Drug, and Cosmetic Act, the Attorney General may, in addition to any other requirements that apply under this section with respect to such a drug product, establish any of the following as reporting requirements:

''(1) That every person who is registered as a manufacturer of bulk or dosage form, as a packager, repackager, labeler, relabeler, or distributor shall report acquisition and distribution transactions quarterly, not later than the 15th day of the month succeeding the quarter for which the report is submitted, and annually report end-of-year inventories.

''(2) That all annual inventory reports shall be filed no later than January 15 of the year following that for which the report is submitted and include data on the stocks of the drug product, drug substance, bulk drug, and dosage forms on hand as of the close of business December 31, indicating whether materials reported are in storage or in process of manufacturing.

''(3) That every person who is registered as a manufacturer of bulk or dosage form shall report all manufacturing transactions both inventory increases, including purchases, transfers, and returns, and reductions from inventory, including sales, transfers, theft, destruction, and seizure, and shall provide data on material manufactured, manufactured from other material, use in manufacturing other material, and use in manufacturing dosage forms.

''(4) That all reports under this section must include the registered person's registration number as well as the registration numbers, names, and other identifying information of vendors, suppliers, and customers, sufficient to allow the Attorney General to track the receipt and distribution of the drug.

''(5) That each dispensing practitioner shall maintain for each prescription the name of the prescribing practitioner, the prescribing practitioner's Federal and State registration numbers, with the expiration dates of these registrations, verification that the prescribing practitioner possesses the appropriate registration to prescribe this controlled substance, the patient's name and address, the name of the patient's insurance provider and documentation by a medical practitioner licensed and registered to prescribe the drug of the patient's medical need for the drug. Such information shall be available for inspection and copying by the Attorney General.

''(6) That section 310(b)(3) (relating to mail order reporting) applies with respect to gamma hydroxybutyric acid to the same extent and in the same manner as such section applies with respect to the chemicals and drug products specified in subparagraph (A)(i) of such section.''.

SEC. 5. DEVELOPMENT OF FORENSIC FIELD TESTS FOR GAMMA HYDROXYBUTYRIC ACID.

The Attorney General shall make a grant for the development of forensic field tests to assist law enforcement officials in detecting the presence of gamma hydroxybutyric acid and related substances.

SEC. 6. ANNUAL REPORT REGARDING DATE-RAPE DRUGS; NATIONAL AWARENESS CAMPAIGN.

(a) ANNUAL REPORT.—The Secretary of Health and Human Services (in this section referred to as the ''Secretary'') shall periodically submit to the Congress reports each of which provides an estimate of the number of incidents of the abuse of date-rape drugs (as defined in subsection (c)) that occurred during the most recent one-year period for which data are available. The first such report shall be submitted not later than January 15, 2000, and subsequent reports shall be submitted annually thereafter.

(b) NATIONAL AWARENESS CAMPAIGN.—

(1) DEVELOPMENT OF PLAN; RECOMMENDATIONS OF ADVISORY COMMITTEE.—

(A) IN GENERAL.—The Secretary, in consultation with the Attorney General, shall develop a plan for carrying out a national campaign to educate individuals described in subparagraph (B) on the following:

(i) The dangers of date-rape drugs.

(ii) The applicability of the Controlled Substances Act to such drugs, including penalties under such Act.

(iii) Recognizing the symptoms that indicate an individual may be a victim of such drugs, including symptoms with respect to sexual assault.

(iv) Appropriately responding when an individual has such symptoms.

(B) INTENDED POPULATION.—The individuals referred to in subparagraph (A) are young adults, youths, law enforcement personnel, educators, school nurses, counselors of rape victims, and emergency room personnel in hospitals.

(C) ADVISORY COMMITTEE.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall establish an advisory committee to make recommendations to the Secretary regarding the plan under subparagraph (A). The committee shall be composed of individuals who collectively possess expertise on the effects of date-rape drugs and on detecting and controlling the drugs.

(2) IMPLEMENTATION OF PLAN.—Not later than 180 days after the date on which the advisory committee under paragraph (1) is established, the Secretary, in consultation with the Attorney General, shall commence carrying out the national campaign under such paragraph in accordance with the plan developed under such paragraph. The campaign may be carried out directly by the Secretary and through grants and contracts.

(3) EVALUATION BY GENERAL ACCOUNTING OFFICE.—Not later than two years after the date on which the national campaign under paragraph (1) is commenced, the Comptroller General of the United States shall submit to the Congress an evaluation of the effects with respect to date-rape drugs of the national campaign.

(c) DEFINITION.—For purposes of this section, the term ''date-rape drugs'' means gamma hydroxybutyric acid and its salts, isomers, and salts of isomers and such other drugs or substances as the Secretary, after consultation with the Attorney General, determines to be appropriate.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Michigan (Mr. UPTON) and the gentleman from Ohio (Mr. BROWN) each will control 20 minutes.

The Chair recognizes the gentleman from Michigan (Mr. UPTON).

GENERAL LEAVE

Mr. UPTON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 2130.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. UPTON. Mr. Speaker, I ask unanimous consent that the gentleman from Ohio (Mr. CHABOT) be recognized to control half of my time, or 10 minutes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. UPTON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 2130. I particularly want to appreciate the good work of the gentleman from Virginia (Chairman BLILEY) and the gentleman from Florida (Chairman BILIRAKIS), both of whom would be here except for subcommittee hearings going on.

I thank my colleagues, all of the Michigan delegation, and in particular, the gentleman from Michigan (Mr. STUPAK) who serves with me on the Committee on Commerce, for his diligent work on this effort, and the gentlewoman from Texas (Ms. JACKSON-LEE) for her fine efforts, and obviously the gentleman from Michigan (Mr. DINGELL) as well.

I also want to compliment Senator ABRAHAM, who has introduced similar legislation in the Senate, as well as Chairman HATCH, chairman of the Committee on the Judiciary in the Senate, as he has apparently indicated that they want to move fairly quickly in the Senate with hearings and action over there very soon, perhaps as early as next week.

Mr. Speaker, I was a relatively new chairman of the Subcommittee on Oversight and Investigations in the Committee on Commerce this last year. There were two stories in Michigan that prevailed in a major way last January.

One was the terrible cold and snow. The high temperature I think in my part of the State was about 20 below for about 1½ weeks. The other story was a very sad story about two teenage women from the district of the gentleman from Michigan (Mr. DINGELL) who went to a party and, sadly, someone allegedly laced their soft drinks with a date-rape drug called GHB or GBL. One of those women died. It was a nightmare, a nightmare that no family wants to experience or get that phone call.

I did not know very much about date rape drugs, and I thought, as the new chairman of the subcommittee, that we ought to have a look at it. We called a number of witnesses. In fact, we heard from a victim from this area, the Washington-Virginia-Maryland area, a woman who at the age of 14 or 15 had had her soft drink laced with this same type of drug. She was a serious victim of sexual assault. She, thank goodness, lived, but it was an experience that no family wants to experience.

Mr. Speaker, we heard in August from the Kansas City TV station, where they thought that perhaps as many as 6,000 or 7,000 cases of date rape

drugs had happened in the greater Kansas City area, and they were very interested in watching this legislation move forward. I heard from a mom in Ohio whose daughter's bottled water had been laced with this stuff and she was on life support, the daughter.

As we found out a little bit about this drug, we found that it was odorless, colorless, tasteless, and it is virtually available on every college campus across the country. We found out that on the Internet, virtually anyone with a credit card could get this stuff for as little as $20 overnight.

Mr. Speaker, this is a nightmare that needs to end. We found out that because of a number of loopholes in a number of States, these drugs were actually legal. They were legitimate. We found out that those States would try as hard as they may to try and ban some of these drugs. With a simple change in the chemical balance of these drugs, it could be made from GHB to GBL to who knows what, and the circumstance would be the same.

Mr. Speaker, this legislation that I introduced, along with my colleagues, the gentlemen from Michigan, Mr. STUPAK and Mr. DINGELL, the gentleman from Virginia (Mr. BLILEY), and the gentleman from Florida (Mr. BILIRAKIS), closes the door on these drugs. It makes them a Schedule I. It will take it, I hope, off the Internet.

It will make sure that on college campuses, in high schools across the country, that there will be a force that the law enforcement agencies will have where they can take this stuff off the street and save families from the nightmares that they would otherwise have.

We heard testimony that perhaps as many as 90 kids have died in the last couple of years because of these drugs, and certainly thousands and thousands of cases of abuse across the country. In many cases, when these kids, women, are brought to the ER rooms, the hospital has no idea what might have struck these kids because it is natural, in many cases. In many cases these drugs are a naturally-produced substance with a relatively short half-life, and without knowing specifically what to look for in this stuff, the ER room misses it and perhaps that child dies.

Mr. Speaker, I would urge my colleagues to support this legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. BROWN of Ohio. Mr. Speaker, I ask unanimous consent to yield 10 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE) for her to control on behalf of the Committee on the Judiciary.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. BROWN of Ohio. Mr. Speaker, I yield such time as he may consume to the gentleman from Michigan (Mr. STUPAK), the sponsor of the bill who has worked tirelessly on this with the gentlewoman from Texas (Ms. JACKSON-LEE) and the gentlewoman from Michigan (Ms. STABENOW).

Mr. STUPAK. I thank the gentleman for yielding time to me, Mr. Speaker.

Mr. Speaker, I rise in strong support of H.R. 2130, the Hillory T. Varias Date-Rape Prevention Drug Act of 1999.

As many of my colleagues know, with my background in law enforcement, I have been concerned with the problem of drug abuse and date rape. In fact, the first bill that I ever passed in the U.S. Congress in 1993 was the Chemical Diversion Act of 1993, which wiped out cat or methcatadone, as we call it.

But in addition to this and other efforts, we are here today on H.R. 2130, as amended. We did a lot of work in committee. We put my substitute as the committee bill, and it is a product of a lot of compromise worked out by numerous parties in the Committee on Commerce and the Committee on the Judiciary to address the concerns and needs of both law enforcement and patients.

By scheduling GHB, we will be giving the Drug Enforcement Agency strong controls over the drug and allow them to combat the rampant abuse of this drug which we are currently seeing.

☐ 1830

Just a few months ago, five Lake City teenagers were brought into the emergency room in convulsions and described as comatose due to the overdose of GHB. Even more recently, October 1 of this year, article right here about eight Ann Arbor University of Michigan students up in the hospital over the weekend because of taking GHB that was slipped into their drinks while they were out partying in Ann Arbor.

Not only in Michigan, Mr. Speaker, but all over the country this drug is spreading in popularity. I know my colleague, from the gentleman from Michigan (Mr. UPTON), estimated 90 people. Even modest estimates put it at 32 people have died from exposure to this drug, most of them because it has been dangerously mixed with alcohol.

Countless others have overdosed or suffered rape as a result of this unpredictable and uncontrolled substance. Furthermore, GHB is one of the first drugs in which the recipe for manufacture at home was widely available over the Internet. People were literally cooking up the drug in their house by obtaining the ingredients and instructions over the Internet.

H.R. 2130 addressed this issue by requiring tracking and reporting of possible misuse of GBL and other precursor chemicals.

Finally, the bill requires the Department of Justice to develop a forensic test to aid law enforcement officials in determining when GHB or a GHB-related compound is involved in a criminal activity. This will be helpful to law enforcement officials who currently have no way of determining GHB's involvement in a crime or situation without laboratory testing.

This bill also recognizes that well-designed legislative efforts should not throw out the baby with the bath water, so to speak. By this, I mean that the abusive use of GHB we have been focusing on should not prevent possible legitimate or beneficial uses of this drug. For example, GHB has shown considerable promise for the treatment of narcolepsy. Specifically, this drug could benefit the approximately 30,000 people who suffer from a form of cataplexy or a sudden loss of muscle control.

Good public policy recognizes these patients and the important research which is being done attempting to address their serious medical concerns.

H.R. 2130 places GHB into Schedule I; but when it is approved by the FDA for medical use, it will then move to a Schedule III with Schedule I criminal penalties. It allows an exemption from the security requirements imposed for Schedule I controlled substances, which will allow the manufacturers of medical-grade GHB to continue their research without the need to construct an expensive vault for storage of the product.

This bill also allows patients to receive their drugs directly from the manufacturer, because it places a medically-approved GHB drug automatically into Schedule III.

Mr. Speaker, a lot of work has gone into reaching this bipartisan legislation. I want to thank the gentlewoman from Texas (Ms. JACKSON-LEE) for her work on this issue. I want to thank the chairman of the Committee on Commerce, the gentleman from Virginia (Mr. BLILEY), as well as my good friend, the gentleman from Michigan (Mr. UPTON) of the Subcommittee on Oversight, Investigations and Emergency Management for holding the first hearing on this matter, and the gentleman from Florida (Mr. BILIRAKIS) who were crucial in moving this bill through the Committee on Commerce.

Finally and most heartfelt, I would like to thank the gentleman from Michigan (Mr. DINGELL), as well as the gentleman from Ohio (Mr. BROWN), the gentleman from Pennsylvania (Mr. KLINK), and the gentlewoman from Michigan (Ms. STABENOW) for working with us on our side to move this bill.

I urge the House to pass this bill so we can prevent more deaths from the misuse of this dangerous substance, and I urge the other body to move this legislation expeditiously.

Mr. CHABOT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H.R. 2130. One of the most pernicious recent developments in our Nation's battle against illegal drug use is the emergence of so-called date rape drugs. These drugs are being used by sexual predators to incapacitate their victims before they are sexually assaulted. Many of these drugs are odorless and

tasteless as the gentleman from Illinois has already mentioned, and they dissolve quickly and easily in alcohol.

Alcohol enhances the drug's intoxicating effect and leaves the victim utterly helpless. What makes the use of these drugs even more contemptible is that the victims are likely to suffer memory loss, and this makes it virtually impossible for them to recount to law enforcement officers the circumstances surrounding the assault. These victims suffer the knowledge that they have been sexually assaulted, but they just cannot remember the details or explain how it happened and that makes it virtually impossible to prosecute many of these cases, and that is why they are particularly heinous.

H.R. 2130 builds on past efforts by the Committee on Commerce and the Committee on the Judiciary to address the problem of date rape drugs. In 1998, a bill I introduced, the Controlled Substances Trafficking Prohibition Act, passed both the House and the Senate and was signed into law by the President. H.R. 2366 closed a gaping loophole in U.S. drug policy, the so-called personal use exemption to the Controlled Substances Act that allowed American drug dealers to bring large quantities of prescription drugs, even the most notorious types of date rape drugs, into this country without a legitimate doctor's prescription or medical purpose.

This exemption was so lax that studies along the Texas border found records of people bringing thousands of these pills into this country in one day; multiple drugs and thousands of pills in a single day supposedly for personal use. These date rape drugs ultimately found their way far too often to the streets and to college campuses, putting young women at risk.

In October 1996, Congress also passed the Drug Induced Rape Prevention and Punishment Act of 1996. That law addressed the abuse of the drug flunitrazepam and established the precedent that H.R. 2130 now follows.

Others have ably described the provisions of this legislation so I will only highlight a few of its key aspects. It places GHB in Schedule I of the Controlled Substances Act; thereby providing the maximum penalties for those who clandestinely produce the drug at home and those who use GHB to commit date rape. It also establishes GBL, the precursor chemical used to make GHB, as a list one chemical, the most regulated chemical category.

The legislation allows for the ongoing, promising clinical development of GHB for the treatment of narcolepsy and more specifically for the treatment of cataplexy. It does so by providing that if and when GHB is approved by the FDA for the treatment of cataplexy, it will then be placed in Schedule III of the Controlled Substances Act. Such scheduling would facilitate use of the drug for such treatment. At the same time, however, the bill provides that the illegal use of GHB will receive Schedule I penalties.

Mr. Speaker, H.R. 2130 is another good example of how this Congress and recent Congresses are working both smarter and harder to combat the scourge of illegal drugs.

Mr. Speaker, I reserve the balance of my time.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I yield myself such time as I may consume.

(Ms. JACKSON-LEE of Texas asked and was given permission to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, over this past weekend we lost 6 young people in a tragic accident near College Station, and before I begin my remarks I would like to offer my sympathy to their families and their universities.

Any time we lose young people, it is a tragedy and that is why this bill is so particularly important to those of us in Texas and around this country. So I am pleased to stand here today in strong support of the Hillory J. Farias Date-Rape Preservation Act of 1999, and I was delighted this summer to join the members of the Committee on Commerce, the gentleman from Michigan (Mr. UPTON), the gentleman from Michigan (Mr. STUPAK), and the gentleman from Virginia (Mr. BLILEY), to introduce this bipartisan legislation.

I want to take this time now to acknowledge the leadership of the gentleman from Michigan (Mr. UPTON) and the gentleman from Michigan (Mr. STUPAK) and to thank them for their collaborative kindness, to thank the gentleman from Ohio (Mr. BROWN) and the gentlewoman from Michigan (Ms. STABENOW) for their interest and participation. We have waited a long time for this day; and I look forward to the next step for this legislation, which is final passage today in the House and later in the Senate.

This day has been a long time coming, but it is a victory for those of us who are concerned about date rape drugs. This drug, GHB, has been used in innumerable rapes around the country and has been implicated in at least 40 deaths. In addition to date rape, this drug is very popular on the party scene in many cities and it is widely abused. In my home city of Houston, GHB has become known as a rage at some Houston area clubs where it is clandestinely being dispensed by party goers in clear liquid form from designer water bottles. This drug which goes by the names of ''easy lay,'' ''grievous bodily harm,'' ''gook,'' ''Gamma 10,'' and ''liquid X'' cannot be detected with a routine drug screen. That is why the deaths of so many of the victims have remained a mystery.

I was prompted to act to control the illicit use of GHB 3 years ago because of the death of Hillory J. Farias for whom this bill is named after, proudly so, of La Porte, Texas, on August 5, 1996, who was killed by this drug.

There is no pride in her death, but there is pride in this tribute to her today. I introduced a GHB bill in 1997 and again in 1998 and in 1999, and I have continued to advocate for its passage to prevent women from being victimized by date rape drugs.

Hillory J. Farias was a 17-year-old high school student, model student and varsity volleyball player, who died as a result of GHB slipped in her soft drink. It was at this time that her family refused to believe that she died of a self-induced drug overdose, and in their persistence they had the new Harris County medical center, Dr. Joy Carter, to again retest or reexamine and determine the death or the reason of the death of Hillory J. Farias.

Her family now, Lydia Farias, her grandmother; and Ray Farias, her grandfather; Rubin Farias, her uncle; Rosey Farias, her mother; and Hernando Farias, her uncle have gathered throughout these 3 years to persist in finding some truth to what happened to Hillory but also to help pass this legislation so that it could not happen to others again.

Hillory and two of her girlfriends went out to a club where they consumed only soft drinks. At some point during the evening, GHB was slipped into Hillory's drink and soon afterwards Hillory complained of feeling sick with a severe headache. She went home to bed, but the next morning Hillory was found by her grandmother unconscious and unresponsive. Hillory was rushed to the hospital where she later died. The cause of Hillory's death remained a mystery until it was finally detected by medical examiners, in this instance Dr. Joy Carter, as I indicated, after receiving a report from the Harris County Organized Crime and Narcotics Task Force about a new date-rape drug that was starting to show up in area nightclubs.

I introduced H.R. 1530 on May 5, 1997. The bill has several cosponsors, the gentlewoman from Georgia (Ms. MCKINNEY), the gentlewoman from Florida (Mrs. MEEK), the gentlewoman from California (Mrs. TAUSCHER), the gentlewoman from Michigan (Ms. KILPATRICK), the gentlewoman from New York (Mrs. LOWEY), the gentlewoman from Maryland (Mrs. MORELLA), the gentlewoman from New York (Ms. VELÁZQUEZ), the gentlewoman from California (Ms. MILLENDER-MCDONALD), the gentleman from Georgia (Mr. BISHOP), the gentleman from New Jersey (Mr. PALLONE), the gentleman from Florida (Mr. WEXLER), the gentlewoman from Michigan (Ms. STABENOW), the gentlewoman from Missouri (Ms. MCCARTHY), the gentlewoman from California (Ms. ROYBAL-ALLARD), the gentleman from Texas (Mr. BENTSEN), the gentlewoman from Connecticut (Ms. DELAURO), the gentleman from Texas (Mr. HINOJOSA), the gentleman from Texas (Mr. RODRIGUEZ), the gentleman from Texas (Mr. REYES), and the gentleman from New York (Mr. SERRANO).

The Subcommittee on Crime held a hearing in July 1998, where Hillory's uncle traveled long distance to come

along with Dr. Joy Carter who was a witness.

H.R. 1530 received bipartisan support of the Subcommittee on Crime. Earlier this session, we introduced H.R. 75, and this summer again I worked closely with the gentleman from Michigan (Mr. UPTON), the gentleman from Michigan (Mr. STUPAK), the gentleman from Virginia (Mr. BLILEY), and the gentleman from Michigan (Mr. DINGELL) to bring us to this point.

The Houston Poison Control reports indicate that as many as 30 people have overdosed on the drug and been treated in emergency rooms in the past 6 months. In fact, Mike Ellis, director of poison control, stated in 1996, that the majority of cases that this agency has been seeing over the past few years have resulted from people rushed to the hospitals because they could not breath or they passed out in their cars and nobody could rouse them.

My office has been contacted by many families. Fifteen year old Samantha Reid died in Michigan. The office of the gentleman from New York (Mr. LAFALCE) told us of the story of Kerri Breton who died in Syracuse, New York, who died from this drug being slipped into her drink.

A young man from the Chicago area overdosed and almost died last September. His family called our office pleading for help. There was also a recent incident in Michigan where four teenagers died. One Houston, Texas, resident by the name of Craig told the media officials that the use of the drug is rampant.

These tragedies underscore the importance of this legislation. Without this bill, illicit use of GHB would increase dramatically. It is being made in bathtubs. It is being made on the Internet.

Mr. Speaker, I would like to thank those who have helped us come this far, and I would like to also acknowledge that we have provided in this bill the exception for narcolepsy, which I think is extremely important.

□ 1845

This bill reflects a compromise. This bill enables law enforcement to permit anyone who abuses GHP to the full extent of the law by placing the drug on Schedule I of the Controlled Substances Act. By doing so, it allows those who use the drug for sexual assault to suffer the penalties under the Drug-Induced Rape Prevention and Punishment Act. In addition, it provides for the use of this drug medically.

I would like to thank someone who has been very helpful, Mr. Speaker, one such person, Trinka Porrata, a retired member of the Los Angeles Police Department. She has advocated for scheduling GHB on Schedule I for years and years and years.

So we come to this point where I would like to finally thank John Ford with the minority commerce staff, John Manthei with the majority staff. I would like to also thank my staff members Leon Buck, Ayanna Hawkins, Oliver Kellman.

I would like to finally thank the gentleman from Virginia (Mr. SCOTT); the gentleman from Michigan (Mr. CONYERS), ranking member; the gentleman from Florida (Mr. MCCOLLUM); and the gentleman from Illinois (Mr. HYDE) of the Committee on the Judiciary.

I would like to continue again or to emphasize that this has been a bipartisan effort working with the Committee on the Judiciary and the Committee on Commerce; and we have come this far, and I look forward to my colleagues supporting this legislation, the Hillory J. Farias Date-Rape Prevention Drug Act.

Mr. Speaker, I reserve the balance of my time.

Mr. UPTON. Mr. Speaker, may I ask how much time the four of us have remaining.

The SPEAKER pro tempore (Mr. SHIMKUS). The gentleman from Michigan (Mr. UPTON) has 5 minutes remaining. The gentleman from Ohio (Mr. CHABOT) has 6 minutes remaining. The gentleman from Ohio (Mr. BROWN) has 5 minutes remaining. The gentlewoman from Texas (Ms. JACKSON-LEE) has 2 minutes remaining.

Mr. BROWN of Ohio. Mr. Speaker, I yield 2 minutes to the gentlewoman from Michigan (Ms. STABENOW), a leader in this effort on this legislation.

Ms. STABENOW. Mr. Speaker, I thank the gentleman from Ohio for yielding me this time.

Mr. Speaker, I want to first thank the gentleman from Michigan (Mr. UPTON) for his efforts and the gentleman from Michigan (Mr. STUPAK), who I know has been working for 3 years on this issue. I very much appreciate their leadership on this issue, as well as the gentlewoman from Texas (Ms. JACKSON-LEE), and all of the others that have been mentioned concerning this very important issue.

I come to the floor today, and I am a cosponsor of this legislation, not only as a Member of the House of Representatives from Michigan where we have seen tragedies occur, but also as a mother of a college-age daughter.

I share my colleagues' support for classifying GHB as a Schedule I drug, placing it in the most highly regulated category of drugs. It depresses the central nervous system and as we know has reportedly been abused to produce intense highs and to assist in the commission of sexual assaults.

GHB is a very dangerous drug when used in this context. It has been involved in acquaintance or date rapes, which happen to young women most likely between the ages of 16 and 24 more than any other group of women. Compared to stranger rape, it is grossly underreported, mainly because many women do not recognize such encounters as rape, particularly if there is minimal violence. Yet, it is rape, and it is a crime.

The statistics on date rape are frightening. It is estimated that one in four college women have been the victim of date rape. In a recent study, 84 percent of rape victims knew their attacker, and 57 percent of those were raped on a date. According to Virginia's Council Against Sexual Assault, those figures make acquaintance and date rape more common than heart attacks or alcoholism.

This is a serious issue, and I am very pleased to be joining my colleagues to bringing this to the floor. I urge that we have an overwhelming bipartisan support for this bill.

Mr. CHABOT. Mr. Speaker, I yield 3 minutes to the gentleman from Alabama (Mr. BACHUS), who is a member of the Committee on the Judiciary.

Mr. BACHUS. Mr. Speaker, I commend the gentleman from Michigan (Mr. UPTON) for bringing this legislation.

The gentleman from Michigan (Mr. UPTON) mentioned the word ''nightmare.'' He said it is time to put an end to this nightmare. That is exactly what this legislation is about. Every parent's worst nightmare is to receive that call in the middle of the night telling us that one of our children has been harmed.

Now, the gentlewoman from Texas (Ms. JACKSON-LEE), who has worked very hard on this bill, mentioned those six young people that were killed at College Station, Texas. I think all of us who had young daughters and sons on campuses, we identified with that.

In Birmingham, there has been a different kind of call in the night, a different nightmare. It is a call that our daughters have been given this drug GHB. It is clear. It is tasteless. They were at a party. They were at a club, and someone slipped it into their drink. The unfortunate ones lapsed into unconsciousness, then into a coma, and they never recovered. The more fortunate ones do recover, but they are scarred. Their parents and they live through this nightmare.

In Birmingham, Alabama this year alone there have been almost a dozen cases of people suffering from overdoses of GHB—the active ingredient in date rape drugs. In the past year, Birmingham's South Precinct drug task force has made 20 GHB-related arrests.

It is time to put a stop to it. It is the only responsible thing for us to do. That is what this legislation will move to do. It will empower law enforcement officers to get these sexual predators that would prey on our daughters and our sisters and our neighbors to get them off the street and get them behind bars.

We have had people that have come before the Committee on the Judiciary, young ladies who were victims of GHB. They have described to us in horrible detail the abuse they suffered from a date using GHB. It has been sobering for all of us.

We have a responsibility to those young ladies and to all young women and their parents to address this problem.

By passing this legislation today, we will take a major step in giving our law

enforcement officers the tools they need.

I would like to commend, not only the gentleman from Michigan (Mr. UPTON), the gentlewoman from Texas (Ms. JACKSON-LEE), I would like to also commend the gentleman from Florida (Mr. MCCOLLUM), the Subcommittee on Crime chair, for his excellent work on this.

I would like to commend the gentlemen from Ohio (Mr. CHABOT) and the gentleman from Ohio (Mr. BROWN) for their work on this.

I commend the staff of the Committee on the Judiciary, and especially Dan Bryant, for their dedicated service in highlighting this dangerous drug and its consequences.

Hopefully, as a result of this legislation, a few less parents will receive that dreaded phone call in the middle of the night, and this Congress will have done something positive in a bipartisan way. I thank the gentleman from Ohio (Mr. CHABOT) for the opportunity to speaking in support of this legislation.

Mr. CHABOT. Mr. Speaker, I ask unanimous consent to yield the balance of my time to the gentleman from Michigan (Mr. UPTON).

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. BROWN of Ohio. Mr. Speaker, I reserve my time.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I yield 1½ minutes to the distinguished gentlewoman from New York (Mrs. MALONEY), who is the co-chair of the Women's Caucus and has worked very hard on issues dealing with women and children.

Mrs. MALONEY of New York. Mr. Speaker, I thank the gentlewoman from Texas (Ms. JACKSON-LEE) for her hard work on this bill, as well as the gentleman from Virginia (Chairman Bliley), the gentleman from Michigan (Mr. DINGELL), the gentleman from Michigan (Mr. STUPAK), the gentleman from Michigan (Mr. UPTON), and many others.

As the mother of two young women, I urge my colleagues to pass this important bipartisan bill, to prevent future tragedies like the one that took the life of Hillory J. Farias.

After an innocent evening at a teenage dance hall, Hillory died, never knowing what hit her, never knowing that someone had slipped a lethal dose of GHB into her Sprite.

Mr. Speaker, this bill is about protecting children and young women. It is about regulating access to dangerous, unpredictable substances like GHB, which is known as a date-rape drug. GHB may not always be harmful. It may, indeed, have an appropriate medical use.

But I say to my colleagues, Mr. Speaker, it should not be in the hands of partying teenagers, of preying sex offenders, of uninformed consumers.

I believe that this drug belongs in the hands of professionals, of pharmacists, of health care providers who know the legitimate uses as well as the risks of GHB. Only then will young women and children be safe from the crime and tragic death to which GHB is an accomplice.

I urge passage of this bill.

Mr. UPTON. Mr. Speaker, I yield 4 minutes to the gentlewoman from Maryland (Mrs. MORELLA), a cosponsor of the bill.

Mrs. MORELLA. Mr. Speaker, I rise in very strong support of H.R. 2130. I really want to thank and commend the gentleman from Michigan (Mr. UPTON) and the gentlewoman from Texas (Ms. JACKSON-LEE) for introducing this very important piece of legislation and bringing the continuing problem of date rape to our attention.

As has been mentioned, parenthood enters into this, too. As someone who has raised six daughters, I am particularly grateful for this legislation. It would amend the Controlled Substance Act to add GHB to the Drug Enforcement Agency's most-regulated category.

GHB, as my colleagues may have heard, it deserves repeating, is a central nervous system depressant. It is approved as an anesthetic in some countries; however, with exception of the investigational research, it is not approved for any use in the United States.

GHB has become one of several agents characterized as a date-rape drug. Restricting the use of GHB will undoubtedly protect people all over the country, especially young women from being drugged and victimized.

This dangerous drug is considered to be a sleep aid among those who know of its effects. A dose is inserted in a drink and orally ingested. The reaction to the drug is immediate and grave. Unconsciousness can occur within 15 minutes, and a profound coma may arise within 30 to 40 minutes after initial consumption.

The purpose of having another ingest this drug is to render the victim helpless. The victim is unable to defend oneself and often has no memory of the attack.

GHB is responsible for many of the rapes that occur. It is connected to 40 deaths also around the country. Many more deaths may also be at the hands of GHB, but this drug is not currently included in a standard toxicology screen.

Adding GHB to the list of controlled substances will help to identify how often this drug is abused and who falls victim to its effects.

The people who can medically benefit from some form of GHB are protected through the Federal drug administration when its use is determined. With FDA approval, health care professionals will be able to treat patients through prescriptions.

H.R. 2130, the Date Rape Prevention Drug Act seeks to prevent violations in sexual attacks. The bill provides protection for anyone who may become a victim of GHB, while securing measures for those who benefit from it. The legislation also enables enforcement to the full extent of the law against anyone who uses GHB for sexual assault crimes.

Offenders could now be sentenced to 20 years in prison under the Drug Induced Rape Prevention and Punishment Act. I certainly urge my colleagues to support this legislation.

I also again wanted to commend the authors of the legislation for introducing it, all of the cosponsors, all of the members of the committee, the chairman, the ranking member of the full committee and of the subcommittee.

I urge my colleagues to support this legislation to minimize the use of date-rape drugs and expand the protection for the victims of sexual attack.

Mr. UPTON. Mr. Speaker, I have no further speakers, though I wish to close.

Ms. JACKSON-LEE of Texas. Mr. Speaker, may I inquire of the order for closing.

The SPEAKER pro tempore. The order is as follows: the gentlewoman from Texas (Ms. JACKSON-LEE) will proceed first, followed by the gentleman from Ohio (Mr. BROWN) second, closed by the gentleman from Michigan (Mr. UPTON).

The gentlewoman from Texas (Ms. JACKSON-LEE) has 30 seconds remaining.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, all I can say is that it is now time for us to pay tribute to the tragic lives that have been lost, like Hillory, the lives in Michigan, the lives across this country, young women who were duped with a mickey, volleyball players, athletes, good young women who did nothing but wanted to live.

This bill says that, if one uses GHB to undermine and to do illegal acts and to sexually assault, one will be held in violation of Schedule I drugs with up to 20 years in jail.

☐ 1900

I ask my colleagues to support this legislation. I ask my colleagues to pay tribute to Hillory and all the other young women.

I am pleased to stand here today in strong support of the Hillory J. Farias Date Rape Prevention Act of 1999. This summer, I joined the members on the Commerce Committee, Representatives UPTON, STUPAK, and BLILEY, to introduce this bipartisan bill. I have waited a long time for this day, and I look forward to the next step for this legislation, which is final passage today in the House, and later, in the Senate.

This day has been a long time coming, but it is a victory for those of us who are concerned about date rape drugs. This drug, GHB (Gamma Hydroxy-butyrate) has been used in innumerable rapes around the country and has been implicated in at least 40 deaths. In addition to date rape, this drug is very popular on the party scene in many cities and it is widely abused.

In my home city of Houston, GHB has become known as the rage at some Houston area clubs where it is clandestinely being dispensed by partygoers in clear liquid form from designer water bottles. This drug—which goes by the nicknames Easy Lay, Grevious Bodily Harm, Gook, Gamma 10 and liquid X—cannot be detected with a routine drug screen. That is why the deaths of many of its victims have remained a mystery.

I was prompted to act to control the illicit use of GHB three years ago because of the death of Hillory J. Farias, of Laporte, Texas on August 5, 1996, who was killed by this drug. I introduced a GHB bill in 1997 and again in 1998, and 1999 and I have continued to advocate for its passage to prevent more women from being victimized by date rape drugs.

Hillory Farias was a 17-year-old high school senior, model student and varsity volleyball player who died as a result of GHB slipped into her soft drink.

Hillory and two of her girlfriends went out to a club where they consumed only soft drinks. At some point during the evening, GHB was slipped into Hillory's drink and soon afterwards, Hillory complained of feeling sick with a severe headache.

She went home to bed, but the next morning, Hillory was found by her grandmother unconscious and unresponsive. Hillory was rushed to the hospital where she later died. The cause of Hillory's death remained a mystery until it was finally detected by medical examiners after receiving a report from the Harris County Organized Crime and Narcotics Task Force about a new date-rape drug that was starting to show up in area nightclubs.

I introduced H.R. 1530 on May 5, 1997. The bill had several cosponsors—Representatives MCKINNEY, MEEK, TAUSCHER, KILPATRICK, LOWEY, MORELLA, VELÁZQUEZ, MILLENDER-MCDONALD, BISHOP, PALLONE, WEXLER, STABENOW, MCCARTHY of Missouri, ROYBAL-ALLARD, BENTSEN, DELAURO, HINOJOSA, RODRIGUEZ, REYES, and SERRANO.

The Subcommittee on Crime held a hearing in July 1998 in which there were several witnesses. These witnesses included Raul Farias, Hillory's uncle and Dr. Joye Carter, the Harris County Medical Examiner who determined that GHB was the official cause of Hillory's death.

H.R. 1530 received the bipartisan support of the Crime Subcommittee and was reported favorably for consideration on the floor.

Earlier this session, I introduced H.R. 75, similar to H.R. 1530 from the 105th Congress. This summer, I worked closely with Members of the Commerce Committee, Representatives UPTON, STUPAK and BLILEY and Mr. DINGELL for this version under the consideration, H.R. 2130.

Unfortunately, Hillory's death was not the only tragedy of this drug. The Houston Poison Control reports indicate that as many as 30 people have overdosed on the drug and been treated in emergency rooms in the past six months. In fact, Mike Ellis, Director of Poison Control, stated back in 1996 that the majority of cases that his agency has been seeing over the past few years have resulted from people rushed to the hospitals because they could not breathe or they passed out in their cars and nobody could rouse them. My office has been contacted by the families of several victims of this drug since March of this year telling stories of how the drug, GHB has impacted their lives.

In January of this year, 15-year-old Samantha Reid, from Michigan, died as a result of this drug and another 14-year-old girl who was also poisoned with GHB went into a coma. Four young men have been indicted in this crime.

My office was contacted by Representative LAFALCE'S office with the story of Kerri Breton, from Syracuse, New York who also died from this drug being slipped into her drink.

Ms. Breton was away on a business trip and was having a drink in the hotel bar with a colleague. She was found the next day dead on the bathroom floor of her hotel room. Her stepfather shared this painful story in hope that it would alert others to the dangers of this drug.

A young man from the Chicago area overdosed and almost died last September. He was a bodybuilder who had abused drugs for years. The doctors and law enforcement officials in the Chicago area did not know anything about GHB. If his sister had not been around when he lost consciousness, he would have surely died. She called my office to share the painful account of how her family almost had to prepare for her brother's death.

There was also a recent incident in Michigan where four teenagers at a party ingested GHB and lapsed into comas. This occurred during the Fourth of July holiday.

One Houston, Texas area resident by the name of Craig told media officials that ''the use is rampant.'' ''Drug use GHB spread to many of the area after-hours clubs.'' Craig grew interested in GHB after reading about the drug on the Internet and in a book he found in a popular bookstore. The book described using GHB to increase one's sense of touch and sexual prowess. So he bought a quantity of it—generally it costs about $10 a capful—from someone in a nightclub. He then distributed it to friends at a private party. GHB made Craig pass out and he remembered nothing of the party.

These tragedies underscore the importance of this legislation. All of these incidents among young people are strong evidence that this drug has a high potential for abuse and must be placed on the schedule for the Controlled Substances Act.

Without this bill, illicit use of GHB would increase dramatically. There are undoubtedly other deaths that may not have been classified as GHB-related because the drug is not a part of a standard toxicology screen.

GHB has been used to render victims helpless to defend against attack and it even erases any memory of the attack. The recipe for this drug and its analogs can be accessed on the Internet. Currently, GHB is not legally produced in the United States. It is being smuggled across our borders or it is being illegally created here by ''bathtub'' chemists.

As a drug of abuse, GHB is generally ingested orally after being mixed in a liquid. The onset of action is rapid, and unconsciousness can occur in as little as 15 minutes. Profound coma can occur within 30 to 40 minutes after ingestion.

GHB has also been used by drug abusers for its alleged hallucinogenic effects and by bodybuilders who abuse GHB for an anabolic agent or as a sleep aid.

I believe that by classifying this drug now, we send a strong message to those who would use this drug and its analogs to commit crimes against women.

However, my position on the illicit use of GHB does not mean that I am insensitive to the concerns of patients that might be helped with this drug. This drug has shown some benefits to patients with a specific form of narcolepsy in clinical trials.

There is a possibility that GHB can be developed for the treatment of cataplexy, a rare form of narcolepsy. Cataplexy is a rare disorder that causes sudden and total loss of muscle control.

People with cataplexy are unable to work, drive or lead a normal life. Like my Colleagues, I understand the situation that affects these patients and I am sensitive to their need for treatment of that disorder.

This bill reflects a compromise that takes into account the needs of the patient group and the needs of law enforcement. This bill enables law enforcement to prosecute anyone who abuses GHB to the full extent of the law by placing the drug on Schedule I of the Controlled Substances Act.

Scheduling GHB on the Federal Controlled Substances Act allows prosecutors to punish anyone who uses this scheduled drug in any sexual assault crime to suffer penalties under the Drug Induced Rape Prevention and Punishment Act. This bill would increase the sentence for someone using GHB to commit a sex crime to 20 years imprisonment.

However, this bill protects people with cataplexy by providing an exemption for those enrolled in clinical trials now, and later it reschedules the drug once it has been approved by the FDA.

The distribution of the drug would be strictly controlled to ensure that only patients in need of this drug would have access to it. Any illicit use of GHB would result in the enhanced sentence penalties.

This bill also provides for a grant by the Department of Justice to research a forensic test to assist law enforcement in detecting GHB on the street. This would improve the ability to prosecute date rape and other crimes involving this substance. This provision provides law enforcement with a crucial tool in fighting this drug on the street.

This bill reaches a compromise that will benefit the patients who desperately need this drug for treatment and law enforcement agencies that need the tools to fight the use of this drug among young people.

As I stated earlier, I have been working to pass legislation to schedule this drug for a long time now because I do not want to see any more young lives cut short by GHB. There are many people who have been resources to my staff these three years and I would like to thank them publicly for their work.

I would like to thank all of the people who have been involved with this process from the beginning and who provided me with information about this drug. One such person is Trinka Porrata, a retired member of the Los Angeles police department. She has been a strong advocate for this legislation.

I would like to thank the Farias family for sharing their story to help us inform others about this drug. Their tragedy and loss cannot be overlooked and I appreciate their patience with us. We have worked closely with Hillory's family and the Harris County medical examiner, Dr. Joye Carter since I first introduced this bill.

I would also like to thank the other families of the other victims who have shared their

stores with us as well. With the passage of this bill today, I hope that there will some comfort brought to those families that their loved ones did not die or suffer in vain.

I would also like to thank my colleagues on the Commerce Committee, for helping to move this legislation through that Committee—Representatives UPTON, STUPAK, BLILEY, DINGELL and BILIRAKIS. I would also like to thank the staff members at the Commerce Committee for their hard work, especially John Ford with the Minority staff and John Manthei with the Majority staff. Also my staff members, Leon Buch, Ayonna Hawkins, and Oliver Kellman.

I would also like to thank the Members of the Judiciary Committee for their work on this issue last year and this year—especially Ranking member CONYERS, Representatives SCOTT, MCCOLLUM and Chairman HYDE. Last year we had a hearing on the issue in the Crime Subcommittee and it shed a lot of light on the issue of date rape and illicit drug abuse of GHB.

I also want to thank Mr. BROWN, Congresswoman STABENOW of Michigan for their efforts.

Finally, I would like to thank my staff for their hard work on this issue. Again, I thank my colleagues for their support of this legislation.

Mr. Speaker, I submit for the RECORD ''While You Were Sleeping,'' a chronicle of a GHB trip by Trinka Porrata, as well as correspondence from the DEA.

WHILE YOU WERE SLEEPING . . . (AKA—THE TRUTH ABOUT GAMMA HYDROXY BUTYRATE)

TO PROTECT AND SERVE—AND IN THIS CASE TO HOPEFULLY SAVE YOU FROM YOURSELF

(By Trinka Porrata)

You thought it was a good trip, but . . . while you were sleeping . . . Your body endured a reeeeeally BAD trip!

First, you took that little capful of salty tasting stuff that your ''friend'' told you would help develop lean muscle mass or lose weight or improve your sex life, or well, just give you a buzz—(but did your friend tell you it is degreasing solvent—or floor stripper—mixed with drain cleaner?!?!?)

Maybe it was even in a bottle marked ''Blue Nitro'' or ''Renewtrient'' or Revivarant'' or ''Fire Water'' or ''Remforce.''

Ok, that's still just floor stripper.

Anyway—maybe you were trying to impress your buddies and took a big slug of that nasty stuff instead of just the capful they told you to take . . .

Or—maybe your ''friend'' told you nothing and just slipped it into your drink—talked you into trying a Long Island Ice Tea maybe—or some other unusual drink.

And you sort of remember that really sudden, wild, giddy high you felt from it. You remember how the bass beat of the music became overwhelmingly loud and. . . . you remember walking across the dance floor, but it was sort of like . . . it was happening to you, but like you were watching yourself move on TV. Sort of an ''out of body'' gig.

Of course, you may (or may not) remember dancing wildly and sexually groping those around you—with little regard for which gender you were grabbing (you see, it is disinhibiting—and gender concerns may fade).

And maybe you remember (or maybe not) wildly climbing all over that virtual stranger who bought you that unusual drink.

Or maybe you're the ''mean drunk'' kind and you got obnoxious with all around you, waiting to fight anyone in your way.

Then maybe you remember feeling so safe and secure, just a little tired. You remember feeling all was A–OK, but you just wanted to take a comfy nap. You slumped to the floor, but you weren't at all mindful of where you were. The floor or a char or couch or bed—it just didn't matter. You were so very very cool.

Now about that comfy nap you wanted to take. You thought you were just nodding off. You know, head bobbing just a little to the side—gently as you were trying to doze off. That's how YOU recall it. Well, to those standing around you it was much different. Your body was jerking away. Some call it seizures. Doctors call it clonic muscle movements—Whatever. In any case, it was much more dramatic than your mind remembers it. Your body was having a really, really bad day.

Then there's that g-r-o-s-s vomiting you were doing.

Like it was just normal.

Like you were spitting tobacco in a spittoon.

Don't remember it at all do you?

Your body was having a bad, bad, really bad day with that.

By now your pulse was slowing. Respirations were slowing. Your blood pressure was down a bit.

Then your twitching, jerking, stinky body just stopped moving completely. You didn't respond at all to people talking to you or shaking you. You weren't breathing regularly (also known as apnea) and had very depressed breathing. Like maybe just six times per minute.

Your level of consciousness at this stage in the ER is called a Glascow Coma Score of 3 (on a scale of 3–15).

If you were in an ER now, they'd be pinching your fingernails and beating on your sternum to test for your level of consciousness.

Oh, and, dig this, a cadaver (a dead body) scores a GCS 3 too.

You were nearly dead. Of course, if you were the one trying to impress your pals and took a big slug of it—you may have skipped right on through most of these stages and began frothing up blood right away—and came to this standstill really fast. . . .

Meanwhile, your good ''friends'' were partying around you.

They tossed you into a corner to let you sleep it off. Part of the time you may have been breathing loudly, but not necessarily.

They couldn't hear you anyway because of the loud music.

They elect not to call 911 because some goofball on the Internet says not to bother—you'll just sleep it off and calling 911 could be expensive if they try to nail you for the hospital bill and besides, it'll attract attention from the police.

So they leave you there—and check on you once in a while . . .

HELLO—

Check on you for what?

So while they are partying, you just forget to breathe. Or that chewing gum in your mouth rolls into the back of your throat and seals off the airway (you don't have a gag reflect now, thanks to GHB, that might make you cough and save yourself).

Or you vomit and you're lying on your back and you literally drown in it because, again, you can't gag and save yourself.

You are in an unarousable coma.

It isn't what life is supposed to be about.

Or maybe during this time—your new ''friend'' is raping you.

And then, about four or five hours after you took that fateful drink—maybe you wake up suddenly and it's all over!

Of course, you may wonder where that vomit came from, because you may not remember ever feeling ill—just that pleasant want-to-take-a-nap thing you felt early on.

Or maybe you don't wake up—EVER. Maybe your body had the ultimate bad day.

U.S. DEPARTMENT OF JUSTICE—
DRUG ENFORCEMENT ADMINISTRATION,
Washington, DC, October 12, 1999.

Hon. SHEILA JACKSON-LEE,
U.S. House of Representatives, Washington, DC.

DEAR CONGRESSWOMAN JACKSON-LEE: I am pleased to provide you with the Drug Enforcement Administration's (DEA) position on H.R. 2130, which schedules gamma-hydroxybutyrate (GHB) under the Controlled Substances Act (CSA). We in DEA appreciate your steadfast support for controlling GHB, which has taken a terrible toll on too many individuals.

The DEA continues to be concerned about the illicit production, trafficking, diversion and public health risks associated with abuse of GHB. GHB has not been approved for medical use in the United States by the Food and Drug Administration (FDA). Although the importation, distribution and use of GHB as a drug are not allowed by the FDA, except for research, the data available to DEA shows that there is a significant and widespread abuse problem with GHB. This information has been collected through traditional data sources, including the Drug Abuse Warning Network (DAWN), the Centers for Disease Control (CDC), and toxicological laboratories, emergency rooms, and medical examiners. The DEA has documented 5,500 cases of overdose, toxicity, dependence and law enforcement encounters. DEA has obtained documentation in the form of toxicology, autopsy and investigator reports from medical examiners on 49 deaths that involved GHB.

In light of the continued illicit production, trafficking, abuse and public health risk of GHB, the DEA strongly supports the control of GHB in Schedule I of the CSA. In addition, the DEA supports the treatment of gamma butyrolactone (GBL) and 1,4-butanediol as controlled substance analogues when intended for human consumption and the listing of GBL, the precursor to GHB, as a List I chemical.

Placing GHB in Schedule I under the CSA, which your legislation proposes, imposes the severest criminal penalties and appropriate regulatory requirements necessary for a drug with high abuse potential and which is not currently available for marketing. Such a placement sends the appropriate message to federal, state and local law enforcement organizations, prosecutors, medical professionals, educators, and others that GHB is a highly abuseable drug and will give those law enforcement officers and prosecutors the necessary legal tools to combat this growing problem.

If GHB is approved for marketing by the FDA, GHB will have a currently accepted medical use in treatment in the United States. Should that occur, the DEA would move the GHB-containing product into whatever Schedule is justified by its actual abuse and the scientific knowledge about its abuse and dependence potentials at that time. The data collected to date would support control of the GHB product in Schedule II.

If I may be of further assistance to you in this matter, please do not hesitate to contact me.

Sincerely,

CATHERINE H. SHAW,
Chief, Office of Congressional and Public Affairs.

Mr. BROWN of Ohio. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, again I would like to commend the authors of the bill, the

gentlewoman from Texas (Ms. JACKSON-LEE) and the gentleman from Michigan (Mr. UPTON) and especially the gentleman from Michigan (Mr. STUPAK), who pointed out in committee and on the floor that this legislation, aimed at getting GHB out of the hands of children and criminals, should not at the same time inadvertently stifle beneficial use of the drugs.

GHB holds promises and treatment for narcolepsy, a debilitating and potentially fatal illness that affects 250,000 Americans; and this bill, Mr. Speaker, allows under carefully circumscribed conditions the use of GHB for medical research and treatment.

It certainly has its insidious uses. That is the main thrust of this bill, as it should be. It also has some potentially miraculous ones. This bill I believe, Mr. Speaker, successfully addresses both. I look forward to its passage this year.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. SHIMKUS). The gentleman from Michigan (Mr. UPTON) has 4 minutes remaining.

Mr. UPTON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, again I wanted to thank my colleagues. This bill would not have happened without the great work done on both sides of the aisle, and in particular, the gentlewoman from Texas (Ms. JACKSON-LEE) who came to our committee and testified and her work in the previous Congress, as well.

This morning, I met with a number of students in my district on a college campus. I know we have done some very good things here. The awareness level is up. Whereas, a year or two ago, I do not think that awareness level was there. But now, in fact, warnings are posted in a lot of dorms and many campuses across the country. The word is out, particularly among college women, that they have to be careful and they need to go to parties with a friend and they need to make sure that whatever they are drinking, a soft drink or whatever it might be, it needs to be watched carefully.

There is an awareness, too, by parents warning their daughters in particular as they go off to school, particularly now as this school year has started off, to be careful.

This is a nightmare. It needs to end. This bill does that in a very strong and bipartisan way that deserves enactment into law.

I appreciate everyone's support, everyone's statements today.

Ms. JACKSON-LEE of Texas. Mr. Speaker, will the gentleman yield?

Mr. UPTON. I yield to the gentlewoman from Texas.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I want to thank the gentleman from Michigan (Mr. UPTON) again for the persistence, for the determination in which he led his subcommittee, the gentleman from Florida (Mr. BILIRAKIS), the gentleman from Michigan (Mr. STUPAK), the gentleman from Michigan (Mr. DINGELL), and the gentleman from Virginia (Mr. BLILEY) in conjunction with the Committee on the Judiciary. This is the finest hour of those two committees working together.

I might add as I close in thanking the gentleman from Michigan (Mr. UPTON) especially, as we have worked together, is that those young women in taking that drug would fail to remember anything that ever happened to them and could not provide any evidence to police if they were sexually assaulted. It is the worst kind of drug.

So I hope the efforts that we are trying with the campaign, with the attorney general, and the Health and Human Services Secretary will make this go away.

But again, I thank the gentleman very much for his leadership on this issue.

Mr. UPTON. Mr. Speaker, reclaiming my time, I appreciate the comments of the gentlewoman.

Mr. Speaker, I also want to thank the staff from the committees from the get-go to make sure that we drafted and crafted a bill that would muster the test that all of us want with the appropriate end result.

Mr. BILIRAKIS. Mr. Speaker, I rise in strong support of H.R. 2130, ''The Hillory J. Farias Date Rape Prevention Drug Act of 1999.'' This important, bipartisan legislation was unanimously approved by my Health and Environment Subcommittee in July of this year, and the full Commerce Committee passed the measure in August.

H.R. 2130 was introduced by Representative FRED UPTON, joined by Representatives TOM BLILEY, BART STUPAK and SHELIA JACKSON-LEE. The bill amends the Controlled Substances Act to make GHB a Schedule I drug, the DEA's most intensively regulated category of drugs. GHB is a central nervous system depressant that has been abused to assist in the commission of sexual assaults.

H.R. 2130 also schedules ketamine, an animal tranquilizer that has been similarly abused, as a Schedule III drug. As a further protection, H.R. 2130 lists GBL, the primary precursor used in the production of GHB, as a List I chemical. These three compunds—GHB, ketamine, and GBL—are more commonly known as ''date rape'' drugs.

The bill before us includes language designed to protect very important and promising research on an orphan drug that contains GHB and is used in the treatment of narcolepsy patients. These provisions were adopted as an amendment when the bill was considered by my Health and Environment Subcommittee.

I urge my colleagues to join me in supporting passage of H.R. 2130, the Hillory J. Farias Date Rape Prevention Drug Act of 1999.

Mr. UPTON. Mr. Speaker, I rise in support of H.R. 2130, the Hillory J. Farias Date Rape Drug Prevention Act of 1999. I introduced this legislation with my colleagues Mr. BLILEY, the Chairman of the Commerce Committee, and Mr. STUPAK and Ms. JACKSON-LEE, who have been real leaders in the fight to control date rape drugs.

As you may know, Mr. Speaker, this legislation is the product of an Oversight and investigations Subcommittee hearing I held earlier this year that focused on the abuse of ''date rape'' drugs, the law enforcement challenges in battling their abuse, and the administrative procedures involved in scheduling the drugs under the Controlled Substances Act. I held that hearing after reading about two young Michigan women whose drinks were laced with GHB at a party they were attending. Both fell into a coma, and sadly, one died.

Since that hearing, I have read far too many other stories of young women in Michigan and across the nation being given GHB and similar drugs, such as GBL, a precursor to GHB, and ketamine, a fast-acting anesthetic used in veterinary medicine. Simply put, these drugs are killing our young people. Those who survive ingesting these drugs are too often dealing with the painful consequences of rape or other sexual abuse.

The abuse of ''date rape'' drugs, principally GHB, ketamine, and GBL, has substantially increased in recent years and continues to grow. The Drug Enforcement Administration, the DEA, has documented over 4,000 overdoses and law-enforcement encounters with GHB and 32 GHB-related deaths. At least 20 States have scheduled GHB under state drug control statutes, and law enforcement officials continue to see an increased presence of the drug in sexual assault, driving under the influence (DWI), and overdose cases involving teenagers.

With respect to ketamine, from 1992 through 1998 the DEA has documented more than 560 incidents of the sale and/or use of ketamine in our nation's junior highs, high schools, and college campuses.

This abuse has to stop. By passing this bill today, we are taking a significant step forward in getting these products out of the hands of sexual predators and protecting our nation's youth.

Following the recommendations of the DEA, H.R. 2130 would amend the Controlled Substances Act to make GHB a Schedule I drug, the DEA's most intensively regulated category of drugs. In addition, H.R. 2130 places ketamine in Schedule III of the Controlled Substances Act and lists GBL, the primary precursor used in the production of GHB, as List I chemical.

H.R. 2130 would thus provide law enforcement officers and prosecutors with tough new tools to prosecute those who would use these drugs for criminal purposes or otherwise abuse them. In addition, it would control chemicals being increasingly used to produce a ''GHB effect,'' and would strike at the very source of many of these illegal substances—chemicals ordered over the Internet and shipped by mail.

At the same time, it protects the legitimate medical use of these substances. I know that many of you have heard from narcolepsy researchers and patients who are concerned that by placing GHB in Schedule I, we will disrupt promising clinical trials testing this drug as a treatment for a particularly severe form of narcolepsy. I want to assure everyone that this concern was addressed when the bill was in committee. It was amended to place GHB which is being used in an FDA-approved clinical trial in Schedule III, but with Schedule I penalties for its misuse. Further, should the FDA approve GHB as a treatment for narcolepsy, the prescription form will be in Schedule

III, but only for the prescribed use. Again, Schedule I penalties would apply. An individual with a prescription for a GHB product who is passing the drug around at a party will be committing a crime punishable by the severest penalties under the Controlled Substances Act.

This bill attacks date rape drug abuse by educating young people, law enforcement officers, educators, and medical personnel about the dangers of these drugs and the penalties for their abuse. It would further assist law enforcement officers by providing for the development of a forensic field test to detect the presence of GHB and related substances.

Finally, it provides for an annual report on incidence of date-rape drug abuse so that we can ensure that the steps we are taking with this bill and in other areas are working to protect our young people and discourage the use of these substances.

Mr. BLILEY. Mr. Speaker, I rise in support of H.R. 2130, ''The Hillory J. Farias Date Rape Prevention Drug Act of 1999.'' As you know, along with Mr. UPTON, Mr. STUPAK, and Ms. JACKSON-LEE, I am an original sponsor of this important legislation to address the growing problem of the abuse of ''date rape drugs'' and I strongly urge all of my colleagues to vote in favor of this bipartisan bill.

Earlier this year, the Commerce Committee's Oversight and Investigations subcommittee held a hearing on Date Rape drugs, and the problems in battling their abuse. At the hearing, we heard from the DEA, the Department of Justice, the FDA, and many state and local law enforcement officials, and all of them urged Congress to have these drugs listed as controlled substances.

The bill does just that. These drugs are all powerful sedatives, which in certain dosages can cause unconsciousness or even death. The numbers of emergency room admissions which are related to these drugs have dramatically increased in recent years. For example, as many of you know earlier this summer 5 teenagers in Michigan shared a drink that was laced with GHB. All 5 lapsed into comas, and nearly died. Also, as many of you know, this legislation is named after a young Texas woman, Hillory Farias, who died after a dose of GHB.

Significantly, the legislation before us today also protects years of promising research by providing for a limited exemption from Schedule I manufacturing and distributing facility security requirements for facilities manufacturing and distributing GHB for a FDA approved clinical study, and, following the recommendations of the Department of Health and Human Services, places an FDA approved GHB drug product into Schedule III of the Controlled Substances Act. However, to ensure that the drug products are not improperly abused, the bill adds additional reporting and accountability requirements similar to the requirements for Schedule I substances, Schedule II drugs, and Schedule III narcotics. For example, if new narcolepsy drugs receive FDA approval, H.R. 2130 will still maintain the strict Schedule I criminal penalties for the unlawful abuse of the approved drug product. Simply put, these additional requirements and penalties in my opinion provide greater protection to our nation's youth, and to give law enforcement agencies the ability to penalize those who abuse this product, while protecting certain important advances in new drug development.

By passing H.R. 2130 we will take a significant step forward in giving law enforcement organizations the tools they need to get ''date rape'' drugs off of the streets and to protect our nation's children. By doing so, hopefully we can ensure that further incidents similar to the events in Michigan and Texas do not occur again.

Once again, I would like to take this opportunity to commend Mr. UPTON, Mr. STUPAK, and Ms. JACKSON-LEE for their leadership on this issue, and I look forward to seeing H.R. 2130 passing the Full House and being signed into law.

Mr. UPTON. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. UPTON) that the House suspend the rules and pass the bill, H.R. 2130, as amended.

The question was taken.

Mr. UPTON. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8, rule XX, and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

INTERIM CONTINUATION OF ADMINISTRATION OF MOTOR CARRIER FUNCTIONS BY THE FEDERAL HIGHWAY ADMINISTRATION

Mr. PETRI. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3036) to provide for interim continuation of administration of motor carrier functions by the Federal Highway Administration, as amended.

The Clerk read as follows:

H.R. 3036

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. MOTOR CARRIER SAFETY ENFORCEMENT AUTHORITY.

Section 338 of the Department of Transportation and Related Agencies Appropriations Act, 2000 is amended by striking ''521(b)(5)'' and inserting ''chapters 5 and 315''.

SEC. 2. EFFECTIVE DATE.

This Act (including the amendment made by this Act) shall take effect on October 9, 1999.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Wisconsin (Mr. PETRI) and the gentleman from West Virginia (Mr. RAHALL) each will control 20 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. PETRI).

Mr. PETRI. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the Department of Transportation Appropriations Act for budget year 2000, which was signed by our President on Saturday, contains a provision that is clearly authorizing in nature, prohibiting the Federal Highway Administration from carrying out the Federal Motor Carrier Safety Program. The intent of this provision is to force a transfer of the Office of Motor Carriers out of the Federal Highway Administration.

The provision, however, has a serious unintended effect. It did not transfer all the legal authorities required to enforce Federal truck safety regulations. And so, in effect, it left some of these authorities stranded within the Federal Highway Administration and prevented them from being carried out by any entity within the Department of Transportation.

Last Thursday, the Subcommittee on Ground Transportation of the Committee on Transportation and Infrastructure held a hearing on this provision to hear from the Department of Transportation on how this provision would be implemented and how it will impact the ability of the Department of Transportation to ensure our Nation's highways are safe.

The Department's general counsel described how the Department of Transportation will be hampered in its truck safety enforcement efforts. For example, the Department will no longer be able to work with the U.S. Attorney's Office, the Inspector General's Office, or the Federal Bureau of Investigation. The Department will no longer be able to assess fines for safety violations.

Clearly, the appropriations act provision has the effect of reducing highway safety by denying important enforcement tools to the Department. Improving motor carrier safety has been a major priority of this Congress and of this committee. Last year, the House Committee on Appropriations made an effort to strip the Federal Highway Administration of its motor carrier safety authority and move it to another area.

As the authorizing committee with jurisdiction over motor carrier safety, we oppose this since it had never been considered by the committees of the House or Senate with authorizing authority.

Ultimately, the provision was dropped and we pledged that we would look very carefully at the issue of motor carrier safety, and we have done so. We held a series of comprehensive hearings and have produced what we feel is a solid bipartisan bill, H.R. 2679, that will be considered by the House probably later this week.

H.R. 2679 creates a new agency, the National Motor Carrier Administration, to oversee all Federal truck safety efforts and include important safety reforms. The bill we are considering today does not overturn the appropriations act provision in any way. It simply fixes its unintended consequences. The bill amends the appropriations act to ensure that all the enforcement powers are restored to the Secretary for budget year 2000.

The bill restores all safety enforcement powers to the Department, where they will be administered by the Office of the Secretary so that safety is not

reduced while Congress considers comprehensive motor carrier safety legislation.

I urge my colleagues to vote for H.R. 3036.

Mr. Speaker, I reserve the balance of my time.

Mr. RAHALL. Mr. Speaker, I yield 30 seconds to the gentleman from Minnesota (Mr. SABO) the distinguished and very capable ranking minority member of the Subcommittee on Transportation of the Committee on Appropriations.

(Mr. SABO asked and was given permission to revise and extend his remarks.)

Mr. SABO. Mr. Speaker, I thank the gentleman from West Virginia (Mr. RAHALL) for yielding me the time.

Mr. Speaker, I rise in support of H.R. 3036 and urge its adoption.

Mr. Speaker, I rise to support the compromise language on H.R. 3036 offered by the gentleman from Wisconsin.

This language addresses the problem at hand; that is, ensuring that the Department of Transportation continues to have the ability to assess civil penalties for violations of motor carrier safety regulations. This provision corrects a technical flaw in the wording of the FY 2000 Department of Transportation Appropriations bill that was signed into law on Saturday.

Mr. Speaker, with this provision and the actions recently taken by the Secretary to move the Office of Motor Carriers out of the Federal Highway Administration, the Department can begin immediately the important work of improving truck safety and enforcing truck safety laws with a stronger hand.

I urge the adoption of H.R. 3036.

Mr. RAHALL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I wish to commend the gentleman from Pennsylvania (Chairman SHUSTER) and the gentleman from Wisconsin (Mr. PETRI), the subcommittee chairman, and the gentleman from Minnesota (Mr. OBERSTAR), the full committee ranking member, for the excellent work they have done in bringing this legislation before us today.

The fact of the matter is that today, on this very day, because of a legislative rider tacked onto the transportation appropriations act signed into law on Saturday by the President, the Federal Government now has no authority to enforce Federal truck safety regulations, none, no authority to enforce Federal truck safety regulations for whatever infraction except imminent hazard situations, this authority is totally lacking.

This is because the Republican leadership rushed that bill through Congress in a roughshod and cavalier fashion. They did it so fast, tucking this legislative rider and authorization really on an appropriations measure, that apparently it did not occur to the Republican leadership that this rider prohibits the Secretary of Transportation from assessing fines against a trucking company for safety violations.

Not only that, Mr. Speaker, but the Department cannot seek civil injunctions against truckers who violate Federal safety regulations. And to make matters even worse, the Department cannot even provide support to the U.S. Attorney for criminal prosecutions or lend support in FBI investigations.

Imagine that, just imagine that if a roadside inspection or as a result of a compliance review conducted by Federal officials, a trucker is found to be in violation of safety standards, a threat to human life and safety, as a result of that legislative rider on the appropriations bill, no penalties can be assessed.

Oh, yeah, a slap on the wrist perhaps, an admonishment to not do it again or to slow down, but that is pretty much it. It is pretty much like taking away from the police the ability to write tickets for speeding and other driving infractions. Getting pulled over, grant you, may be an inconvenience, but will speeding and aggressive driving be controlled if traffic tickets could not be issued? I think not. Certainly not.

Today, then, all Americans should be aware that the trucking industry is operating with impunity from the Federal Motor Carrier safety regulations. It is really the Wild West all over again, but at this time it is taking place on our Nation's highways and byways.

Mr. Speaker, this is a sad commentary on what happens when bills are rushed to the floor in a hasty manner and when legislative riders are struck on appropriation measures in the middle of the night. There was simply no need for these shenanigans.

The Committee on Transportation and Infrastructure has reported comprehensive motor carrier legislation, and we are prepared to bring it to the House floor tonight. We recognize the pressing needs to improve truck safety, and we are taking action to do so. This is the proper way to proceed, not with these ill-conceived and ill-advised riders to appropriations bills. Because of that, today America is suffering. And it is suffering from a lack of proper truck safety regulation because of arrogance and misuse of the legislative process.

The pending measure will correct this mistake. It simply restores the Federal Government's ability and authority to levy civil penalties for violations of truck safety regulations. This authority could be used by the newly established Office of Motor Carrier Safety established by the Secretary of Transportation on Saturday after the President signed the bill into law.

Mr. Speaker, I reserve the balance of my time.

Mr. PETRI. Mr. Speaker, I yield 2 minutes to the gentleman from Virginia (Mr. WOLF) the distinguished chairman of the Appropriations Subcommittee on Transportation.

(Mr. WOLF asked and was given permission to revise and extend his remarks.)

Mr. WOLF. Mr. Speaker, I thank the chairman for yielding me the time.

Mr. Speaker, I rise in support of the bill, H.R. 3036, as amended. It provides the authority to the Secretary of Transportation to assess civil penalties against violators of truck safety and to ensure that truck safety receives the scrutiny it deserves.

As the House knows, this will make a big difference in the 5,300 annual fatalities that has remained unchanged for several years. The number of annual fatalities equates to a major aviation accident every 2 weeks. A reform of the Office of Motor Carriers to improve truck safety is long overdue.

I want to personally thank the gentleman from Wisconsin (Mr. PETRI), the gentleman from Pennsylvania (Mr. SHUSTER), the gentleman from West Virginia (Mr. RAHALL) and the gentleman from Minnesota (Mr. OBERSTAR) for this language. I think it is very good. It is very, very responsible.

My sense is that because of the effort that the Committee on Transportation and Infrastructure has done, it will actually end up working together to save lives. And so for the gentleman from Wisconsin (Mr. PETRI) who is handling that, I want to thank him.

Mr. RAHALL. Mr. Speaker, I yield such time as he may consume to the gentleman from Minnesota (Mr. OBERSTAR), the distinguished ranking member of the full committee.

Mr. OBERSTAR. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, I rise in support of H.R. 3036, as amended, to restore the enforcement authority and civil penalty authority to the proper office within the Department of Transportation.

I want to thank the chairman of our committee, the gentleman from Pennsylvania (Mr. SHUSTER) and the chairman of the Subcommittee on Ground Transportation, the gentleman from Wisconsin (Mr. PETRI), and our ranking Democratic member the gentleman from West Virginia (Mr. RAHALL) for responding so promptly and so effectively to the obvious urgency presented in the offending language in the fiscal year 2000 DOD appropriations conference report.

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I want to take a moment to commend the gentleman from Virginia (Mr. WOLF), the chairman of the Subcommittee on Transportation of the Committee on Appropriations. He has at heart a genuine concern for safety and has moved the debate in the right direction. I appreciate his initiative. Unfortunately, the initiative crafted, perhaps in haste, without full appreciation, misses the mark. It is not the gentleman's intention to derogate safety, but it was the result of this section 338 in the conference report.

When the appropriations bill was signed into law last Saturday, the provision required an immediate reorganization of the motor carrier safety function within the Federal Highway Administration and within the Department of Transportation. To Secretary

Slater's great credit, he did not wait a moment. The very day that the President signed the bill into law, Secretary Slater directed the reorganization to be done, immediately, over the weekend. But he went only as far as the appropriations bill allowed him to go. And because our committee has greater legislative history and experience with this law, we understood that there was a shortcoming. In fact, we held a hearing on the matter just to be precise about our concerns, that without further changes the reorganization would effectively handcuff and leg-shackle the motor carrier enforcement efforts of the Department of Transportation.

Almost immediately upon passage of the conference report, the Department of Transportation and others expressed serious concerns, our members and professional staff expressed serious concerns, and on the 7th of October, the Subcommittee on Ground Transportation of our committee held a hearing to explore those concerns publicly. I asked the Department of Transportation's general counsel, Nancy McFadden, at that hearing whether the Department would be able to assess fines or seek injunctive relief against a motor carrier that DOT had found in violation of motor carrier laws. She said no. She said further that DOT employees would not be allowed to work with a U.S. attorney in pursuing civil or criminal enforcement in court, that the Department would not be able to force a carrier to comply with Federal law or regulation. But she also said that those shortcomings, very serious ones, could easily be corrected, and that is why we are here today.

Now, the reason we are here is that section 338 of the transportation appropriations bill prohibits the Federal Highway Administration from spending money to carry out motor carrier safety programs. Once that provision took effect, no one in the new entity would have authority to initiate new civil penalty cases or continue existing civil penalty cases. Why? Very simply, the reason for the anomaly is that the law vests civil penalty authority only in the Federal Highway Administration and in the administrator. The administrator may delegate that civil penalty authority to an office within the Federal Highway Administration but not to an office outside the Federal Highway Administration. That is the key element that we have to correct and which we do correct here with this legislation, that the administrator cannot delegate the authority for civil penalties enforcement or cooperation with the Department of Justice and, therefore, without this language, we would have had standing in law the Motor Carrier Evasion Relief Act of 1999 in which motor carriers simply violate the law, cannot be pursued, cannot be penalized and safety cannot be enforced. With the language we bring to the House floor today, we correct that problem. And, happily, we will also be able to bring to the House floor our much more far reaching bill that elevates motor carrier safety to a new level in the National Motor Carrier Administration, in which we direct this new administration to consider the assignment and maintenance of safety as its highest priority.

We do it right. We provide the authority, we provide the civil penalty powers, we provide cooperation with the Justice Department, we provide funding for training and for enforcement authorities, we have a far reaching, comprehensive bill that does the right thing in the right way. I understand from the gentleman from Pennsylvania (Mr. SHUSTER) that we will be able to bring this bill to the House floor on Thursday. I urge everyone to support that bill as well as to support the pending legislation.

Mr. PETRI. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as I indicated earlier, in summary the bill restores all safety enforcement powers to the Department where they will be administered by the Office of the Secretary for fiscal year 2000 only, so that safety is not reduced while Congress considers comprehensive motor carrier safety legislation.

I would just like to read, if I could briefly, from a letter from our United States Secretary of Transportation, Rodney Slater, that is dated today:

''I am writing to urge Congress to act quickly on legislation to restore enforcement authorities underlying our motor carrier safety programs that were suspended October 9 as a result of enactment of H.R. 2084, the Department of Transportation Appropriations Act.

''The need to act is clear. We currently have 922 cases pending, involving a total of $6 million in outstanding civil claims. Our work with the Department's Inspector General and the U.S. Attorney's office is in abeyance, and the exercise of some other authorities is now subject to question.''

Mr. Speaker, I submit the copy of his full letter for the RECORD. This is in response to a clear need outlined by the Secretary of Transportation. I urge speedy passage of this legislation.

THE SECRETARY OF TRANSPORTATION,
Washington, DC, October 12, 1999.

Hon. BUD SHUSTER,
Chairman, Committee on Transportation and Infrastructure, U.S. House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: I am writing to urge Congress to act quickly on legislation to restore enforcement authorities underlying our motor carrier safety programs that were suspended October 9th as a result of enactment of H.R. 2084, the Department of Transportation and Related Agencies Appropriations Act, 2000.

The need to act is clear. We currently have 922 cases pending, involving a total of $5,985,000 in outstanding civil penalty claims. Our work with the Department's Inspector General and the U.S. Attorney's office is in abeyance, and the exercise of some other authorities is now subject to question.

The need to act expeditiously on permanent legislation that increases the resources and regulatory and enforcement tools of the motor carrier office is also clear. Congress and the Administration, through the work of the Department's Inspector General, Mr. Norman Y. Mineta, and committee hearings and our own analysis, have identified the need to increase the effectiveness of motor carrier programs.

Both your Committee and the Senate Committee on Commerce, Science, and Transportation have reported or will shortly report legislation to address the breadth of motor carrier safety issues. In July, the Administration submitted comprehensive legislation as well. Many provisions in the three bills can be combined now to give us truly effective motor carrier legislation. The safety gains in these proposals should be paramount, as reflected in the principle of H.R. 2679 that safety be the foremost consideration of the motor carrier group, and organizational considerations should not supplant progress on the safety front. Therefore, I will work with Congress to resolve these organizational issues—in a way that ensures successful implementation of our mutual safety goals.

In May, I announced a comprehensive program to address motor carrier safety, setting a goal of a 50 percent reduction in fatalities from motor carrier-related crashes over the next ten years. The Department has redoubled its efforts over the past year, implementing a series of actions to strengthen our program. We developed a draft Safety Action Plan with approximately 65 specific safety initiatives to be completed in the next three years.

To date, we have doubled the number of compliance reviews accomplished by safety investigators each month. Comparing the periods January to April 1999 and May to August 1999, total compliance reviews increased 59 percent. Financial penalties have increased from an average of $1,600 to $3,200 per enforcement case. The backlog of enforcement cases has been reduced by two-thirds, from 1,174 to 363. The number of Federal investigators at the U.S. Mexico border has increased from 13 to 40—a 200-percent increase.

I urge action by Congress as rapidly as possible on the two bills, both of which are essential to strengthening our motor carrier safety programs.

Sincerely,

RODNEY E. SLATER.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in to address H.R. 3036 and truck safety. This bill suspends language in the Transportation Appropriations bill and restores responsibility for all truck safety activities to the Secretary of Transportation. This action comes due to nearly 5,000 people being killed in truck related accidents in each of the past three years on our nation's highways. There are many agencies within our government that have a shared responsibility for safety on our nation's highways, including the Transportation Department, the NTSB and the Federal Highway Administration. But despite much talk and discussion, several hearings, and meetings over improving trucking safety we have had little action aimed at improving safety.

What we do have is accident after accident involving truck drivers who are too tired and even drunk. A total of 5,374 people died in accidents involving large trucks which represents 13 percent of all the traffic fatalities in 1998 and in addition 127,000 were injured in those crashes.

In Houston, Texas, a man (Kurt Groten) 38 years old and his three children David, 5, Madeline, 3, and Adam, 1, were killed in a horrific accident when a 18-wheel truck crashed into their vehicle. His wife, the only survivor of the crash, testified in criminal proceedings against the driver last week stating ''I

saw that there was a whole 18-wheeler on top of our car. * * * I remember standing there and screaming, 'My life is over! All of my children are dead!' "

Martinez was convicted on last Friday and the jury now must decide if he gets probation or up to 20 years in prison for each of the four counts of intoxication manslaughter.

This is but one example of the thousands of terrible and fatal trucking accidents that are caused every year on our nation's roads and highways.

We need an agency within the government to ensure that the rules are adhered to and those safety technologies like recording devices are implemented into the system. I want to ensure, like many Members, that there are no more Mrs. Groten's in America.

Truckers are required to maintain logbooks for their hours of service. But truckers have routinely falsified records, and many industry observers say, to the point that they are often referred to as "comic books." In their 1995 findings the National Transportation Safety Board found driver fatigue and lack of sleep were factors in up to 30 percent of truck crashes that resulted in fatalities. In 1992 report the NTSB reported that an astonishing 19 percent of truck drivers surveyed said they had fallen asleep at the wheel while driving. Recorders on trucks can provide a tamperproof mechanism that can be used for accident investigation and to enforce the hours-of-service regulations, rather that relying on the driver's handwritten logs.

Mr. Speaker, I know that the trucking industry is concerned by the added cost of the recorders. I also appreciate the fact that close to eighty percent of this country's goods move by truck and that the industry has a major impact on our economy. But can we afford to put our wallets before safety? Ask yourselves where we would be without recorders in commercial aviation, rail, or the marine industry? I think that I have good idea what the answer is, we would not know what caused that accident nor would we be able to learn from our mistakes.

Mr. Speaker, let us vote today to put action behind our discussion and ensure that safety comes first.

Mr. RAHALL. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. PETRI. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. SHIMKUS). The question is on the motion offered by the gentleman from Wisconsin (Mr. PETRI) that the House suspend the rules and pass the bill, H.R. 3036, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The title of the bill was amended so as to read: ''A bill to restore motor carrier safety enforcement authority to the Department of Transportation.''.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. PETRI. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 3036, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will now put the question on each motion to suspend the rules on which further proceedings were postponed earlier today in the order in which that motion was entertained.

Votes will be taken in the following order:

House Resolution 303, by the yeas and nays;

S. 800, by the yeas and nays; and

H.R. 2130, de novo.

The Chair will reduce to 5 minutes the time for any electronic vote after the first such vote in this series.

SENSE OF THE HOUSE URGING 95 PERCENT OF FEDERAL EDUCATION DOLLARS BE SPENT IN THE CLASSROOM

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the resolution, House Resolution 303, as amended.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania (Mr. GOODLING) that the House suspend the rules and agree to the resolution, House Resolution 303, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 421, nays 5, not voting 7, as follows:

[Roll No. 491]

YEAS—421

Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Capuano
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth-Hage
Clay
Clayton
Clement
Clyburn
Coble
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crowley
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jenkins
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Minge
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Oxley
Packard
Pallone
Pastor
Paul
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Schaffer
Schakowsky
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Vento
Visclosky
Vitter
Walden
Walsh

Wamp
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—5

Abercrombie
Mink
Nadler
Scott
Waters

NOT VOTING—7

Coburn
Fattah
Jefferson
Kilpatrick
Meek (FL)
Pascrell
Scarborough

□ 1945

Mrs. NORTHUP changed her vote from ''nay'' to ''yea.''

So (two-thirds having voted in favor thereof) the rules were suspended and the resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SHIMKUS). Pursuant to the provisions of clause 8 of rule XX, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device may be taken on each additional motion to suspend the rules on which the Chair has postponed further proceedings.

WIRELESS COMMUNICATIONS AND PUBLIC SAFETY ACT OF 1999

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the Senate bill, S. 800.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. The question is the motion offered by the gentleman from Louisiana (Mr. TAUZIN) that the House suspend the rules and pass the Senate bill, S. 800, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 424, nays 2, not voting 7, as follows:

[Roll No. 492]

YEAS—424

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Capuano
Cardin
Carson
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crowley
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jenkins
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Oxley
Packard
Pallone
Pastor
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Schaffer
Schakowsky
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Vento
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—2

Chenoweth-Hage
Paul

NOT VOTING—7

Coburn
Jefferson
Kilpatrick
Meek (FL)
Pascrell
Roukema
Scarborough

□ 1953

So (two-thirds having voted in favor thereof), the rules were suspended and the Senate bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

HILLORY J. FARIAS DATE-RAPE PREVENTION DRUG ACT OF 1999

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 2130, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. UPTON) that the House suspend the rules and pass the bill, H.R. 2130, as amended.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. UPTON. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 423, nays 1, not voting 9, as follows:

[Roll No. 493]

YEAS—423

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Capuano
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth-Hage
Clay
Clayton
Clement
Clyburn
Coble
Collins

Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crowley
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jenkins
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kind (WI)
King (NY)
Kingston
Kleczka
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Lewis (CA)
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LoBiondo
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Lowey
Lucas (KY)
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Maloney (CT)
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Matsui
McCarthy (MO)
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McIntosh
McIntyre
McKeon
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Miller (FL)
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Moran (KS)
Moran (VA)
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Murtha
Myrick
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Norwood
Nussle
Oberstar
Obey
Olver
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Owens
Oxley
Packard
Pallone
Pastor
Payne
Pease
Pelosi
Peterson (MN)
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Price (NC)
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Ros-Lehtinen
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Roybal-Allard
Royce
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Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanchez
Sanders
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Sanford
Sawyer
Saxton
Schaffer
Schakowsky
Scott
Sensenbrenner
Serrano
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Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
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Spratt
Stabenow
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Stearns
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Strickland
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Taylor (MS)
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Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
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Visclosky
Vitter
Walden
Walsh
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Watt (NC)
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Waxman
Weiner
Weldon (FL)
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Weller
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Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
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Wynn
Young (AK)
Young (FL)

NAYS—1

Paul

NOT VOTING—9

Coburn
Jefferson
Kilpatrick
Lazio
Meek (FL)
Millender-McDonald
Pascrell
Roukema
Scarborough

□ 2001

So (two-thirds having voted in favor thereof), the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

The title was amended so as to read: ''A bill to amend the Controlled Substances Act to add gamma hydroxybutyric acid and ketamine to the schedules of controlled substances, to provide for a national awareness campaign, and for other purposes.''.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Ms. KILPATRICK. Mr. Speaker, due to a death in my family, I was unable to be present at several votes that occurred today. Had I been present, I would have voted ''no'' on H. Res. 303, ''aye'' on S. 800 and ''aye'' on H.R. 2130.

REPORT ON OPERATION OF CARIBBEAN BASIN ECONOMIC RECOVERY ACT—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore (Mr. SHIMKUS) laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Ways and Means:

To the Congress of the United States:

As required by section 214 of the Caribbean Basin Economic Recovery Expansion Act of 1990 (19 U.S.C. 2702(f)), I transit herewith to the Congress the Third Report on the Operation of the Caribbean Basin Economic Recovery Act.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *October 12, 1999.*

REPORT ON RESOLUTION WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 2561, DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2000

Mr. DIAZ-BALART, from the Committee on Rules, submitted a privileged report (Rept. No. 106–375) on the resolution (H. Res. 326) waiving points of order against the conference report to accompany the bill (H.R. 2561) making appropriations for the Department of Defense for the fiscal year ending September 30, 2000, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 1993, EXPORT ENHANCEMENT ACT OF 1999

Mr. DIAZ-BALART, from the Committee on Rules, submitted a privileged report (Rept. No. 106–376) on the resolution (H. Res. 327) providing for consideration of the bill (H.R. 1993) to reauthorize the Overseas Private Investment Corporation and the Trade and Development Agency, and for other purposes, which was referred to the House Calendar and ordered to be printed.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. BURTON) is recognized for 5 minutes.

(Mr. BURTON of Indiana addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

INTRODUCING A BIPARTISAN RESOLUTION ENCOURAGING A PARTNERSHIP BETWEEN CONGRESS AND THE CENSUS BUREAU TO ACHIEVE AN ACCURATE COUNT IN THE 2000 CENSUS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York (Mrs. MALONEY) is recognized for 5 minutes.

Mrs. MALONEY of New York. Mr. Speaker, I really rise to thank the gentleman from Florida (Chairman MILLER) from the Subcommittee on the Census for working in a bipartisan manner on a resolution that we have put forward, and on tomorrow's briefing which we have invited every Member of the House to attend, a briefing by Director Prewitt on ways to involve Members in getting an accurate count for the Census.

I know that in the past we have had our differences over the best way to conduct the Census, but I think we both now agree that now is the time to put those differences behind us and to go forward with the business of conducting the massive operation of the 2000 census.

Mr. Speaker, I am very happy to join the gentleman from Florida (Mr. MILLER) on House Resolution 193, a resolution which reaffirms the spirit of cooperation between the Census Bureau and Congress, and establishes a public partnership between us.

This partnership is vital because, though the Bureau is doing a very fine job in preparing for the 2000 Census, it truly is a huge undertaking which deserves the support it can receive from any sector.

Just to give an idea of the scale of the 2000 Census, it will be the largest peacetime mobilization ever conducted by our country. It will count approximately 275 million people and 120 million housing units across this Nation. In order to carry out this massive operation, the Census Bureau will have to process 1.5 billion pieces of paper, and it will have to do this in a very short time period. To conduct the 2000 Census, the Bureau will have to fill more than 860,000 temporary positions. They will have to hire more people than are in the Army.

In a very real sense, the 2000 Census has already begun. The forms are being printed and transported across the Nation. The Bureau plans to open 520 local Census offices. One hundred thirty of those are already open, and the remaining 390 are leased and will be open on a flow basis through the beginning of next year.

Every Member of Congress needs to do all they can to encourage this partnership with the 2000 Census from their newsletters, from public service announcements, to participating in local forums.

One new program the Bureau has developed for the Census, which I think is particularly effective, is Census in the Schools. More than 50 percent of all those not counted in 1990 were children. The Census in Schools program aims to help children learn what a Census is and why it is important to them and their families and their community at large. The program also aims to increase participation in Census 2000 by engaging not only the children but their parents, so that they will fill out the Census forms. It will also help recruit teachers and parents to work as Census-takers.

Mr. Speaker, State, local, and tribal governments, as well as businesses and nonprofit organizations, have become partners with the Census Bureau in the effort to make the 2000 Census the best ever.

The constitutionally-mandated Census we take every 10 years is one of the most important civic rituals our Nation has. It determines the distribution of over $185 billion in Federal aid. It determines the distribution of political and economic power in our country for a decade. I urge every Member to actively participate in making it a success.

ENCOURAGING MEMBERS TO JOIN IN PARTNERSHIP WITH THE CENSUS BUREAU TO ACHIEVE AN ACCURATE CENSUS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. MILLER) is recognized for 5 minutes.

Mr. MILLER of Florida. Mr. Speaker, I rise in agreement with my colleague, the gentlewoman from New York (Mrs. MALONEY). We have had our differences over the past 2 years with the Census issue, but this is one time we are now coming together, as we are so close to our decennial census, which has just about 6 months to go.

Our goal is common: We want to have the most accurate count, and count everybody living in this great country as of April 1 of the year 2000.

Tonight I rise to discuss an important program of the Census Bureau. That is a bipartisan congressional partnership with the Bureau to promote the participation in the 2000 decennial census. It is just 6 months away, and the Bureau will undertake the largest peacetime mobilization in the Nation's history, conducting the 2000 Census.

This massive undertaking deserves our support at the local level. The key to ensuring a successful census that counts everyone in America is outreach and promotion in every neighborhood. Broad-based participation in the Census must start from within our communities. The Census Bureau must use every effort possible to promote participation in the Census. While the Census Bureau does this in several ways, I am here to talk about one of the more important ways I feel the Census Bureau promotes the Census, and those are the partnerships.

The Census Bureau is in the process of forming partnerships with hundreds and thousands of groups, organizations, and individuals from all sectors of the population and all sizes, ranging from Goodwill Industries to local places of worship. It is only fitting and proper that Congress join with these groups across the Nation by partnering with the Census Bureau, and that is why I am speaking here this evening.

This proposed partnership with Members of the House of Representatives seems to me to be one of the most logical partnerships of all. These partnership programs are designed to utilize the resources and knowledge of the local partners, and who knows better the local area and the problems the Bureau may face than Members who serve those districts?

Moreover, there are 435 Members in this House who worked tirelessly for our districts, and most of us go home every weekend to work very hard for the people who elected us as their representatives. We know what it will take to have a successful Census in our districts, and what better way to serve these very people than promoting the Census and helping them get the most accurate count possible?

After all, the decennial census distributes over $180 billion in Federal funds annually. The Census tells us where schools, roads, and lunch programs are most needed. We as representatives owe it to our constituents to make sure they receive the services they need. The best way to do this is through promoting participation in our districts. This is not a Republican issue or a Democratic issue, this is an American issue.

Tomorrow we will be celebrating the kickoff of this vitally important partnership. The gentlewoman from New York (Mrs. MALONEY) and her staff have been working very hard to make this partnership between the Bureau and the House of Representatives a success.

Tomorrow, Director Kenneth Prewitt will be holding a briefing for Members only to explain this partnership program and answer any questions they have. I urge all of my colleagues to attend the briefing tomorrow to learn more about this partnership program and how Members can get involved in their own districts.

I think Members will find the Bureau has put together a comprehensive set of activities that Members can easily take back to their districts to increase public participation. Following the briefing, we will hold a press conference to unveil House Concurrent Resolution 193, a resolution that affirms a partnership between the Census Bureau and the House of Representatives. House Concurrent Resolution 193 recognizes the importance of achieving a successful census, encouraging groups to continue to work towards a successful census, reaffirms our spirit of cooperation with the Census Bureau, and asserts a public partnership between Congress and the Bureau of the Census.

While we may have had our differences in the past, the gentlewoman from New York (Mrs. MALONEY) and I have joined forces to introduce this legislation, which merits broad-based bipartisan support. The decennial census is a cornerstone of our democracy, and it is vital that all Members of Congress, Democrats and Republicans alike, publicly support activities to enhance public participation.

I encourage my colleagues to cosponsor House Concurrent Resolution 193 and to bolster congressional presence during tomorrow's activities.

REVISIONS TO ALLOCATION FOR HOUSE COMMITTEE ON APPROPRIATIONS, PURSUANT TO HOUSE REPORT 106–288, TO REFLECT ADDITIONAL NEW BUDGET AUTHORITY AND OUTLAYS FOR EMERGENCIES

The Speaker pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. KASICH) is recognized for 5 minutes.

Mr. KASICH. Mr. Speaker, pursuant to Sec. 314 of the Congressional Budget Act, I hereby submit for printing in the CONGRESSIONAL RECORD revisions to the allocation for the

House Committee on Appropriations pursuant to House Report 106–288 to reflect $7,200,000,000 in additional new budget authority and $4,817,000,000 in additional outlays for emergencies. This will increase the allocation to the House Committee on Appropriations to $561,834,000,000 in budget authority and $597,532,000,000 in outlays for fiscal year 2000. This will increase the aggregate total to $1,452,283,000,000 in budget authority and $1,434,669,000,000 in outlays for fiscal year 2000.

As reported to the House, H.R. 2561, the conference report accompanying the bill making appropriations for the Department of Defense for fiscal year 2000, includes $7,200,000,000 in budget authority and $4,817,000,000 in outlays for emergencies.

These adjustments shall apply while the legislation is under consideration and shall take effect upon final enactment of the legislation. Questions may be directed to Art Sauer or Jim Bates at x6–7270.

ADDITIONAL REVISIONS TO ALLOCATION FOR HOUSE COMMITTEE ON APPROPRIATIONS, PURSUANT TO HOUSE REPORT 106–288, TO REFLECT ADDITIONAL NEW BUDGET AUTHORITY AND OUTLAYS FOR EMERGENCIES

Mr. Speaker, pursuant to sec. 314 of the Congressional Budget Act, I hereby submit for printing in the Congressional Record revisions to the allocation for the House Committee on Appropriations pursuant to House Report 106–288 to reflect $2,310,000,000 in additional new budget authority and $1,591,000,000 in additional outlays for emergencies. The bill also includes $405,000,000 in additional budget authority and $352,000,000 in additional outlays in continuing disabilities reviews, as well as $20,000,000 in additional budget authority and $12,000,000 in additional outlays for adoption incentive payments. This will increase the allocation to the House Committee on Appropriations to $554,634,000,000 in budget authority and $592,715,000,000 in outlays for fiscal year 2000. This will increase the aggregate total to $1,445,083,000,000 in budget authority and $1,429,852,000,000 in outlays for fiscal year 2000.

As reported to the House, H.R. 3037, the bill making appropriations for Labor, Health and Human Services, Education and Related Agencies for fiscal year 2000, includes $2,310,000,000 in budget authority and $1,591,000,000 in outlays for emergencies. The bill also includes $405,000,000 in budget authority and $352,000,000 in outlays in continuing disabilities reviews, as well as $20,000,000 in budget authority and $12,000,000 in outlays for adoption incentive payments.

These adjustments shall apply while the legislation is under consideration and shall take effect upon final enactment of the legislation. Questions may be directed to Art Sauer or Jim Bates at x6–7270.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. PALLONE) is recognized for 5 minutes.

(Mr. PALLONE addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

THE CONTINUING IMPACT OF HURRICANE FLOYD

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from North Carolina (Mrs. CLAYTON) is recognized for 5 minutes.

Mrs. CLAYTON. Mr. Speaker, I rise again to remind my colleagues that the impact of Hurricane Floyd continues to affect the people of North Carolina and the people of the eastern shore, from Florida all the way to New York. There have been deaths even up as far as Vermont.

But in North Carolina, that devastation is of untold proportions. There are more than 58,000 people now that have responded to the opportunity to call FEMA's intake line indicating they need assistance through FEMA. They need assistance immediately, and this government and this body needs to act.

I want to say that the people of America have been just tremendously generous in responding and having compassion and showing sensitivity, and by giving of their own personal goods or their organizations or churches or relief organizations.

But that is insufficient to respond to the needs of the 58,000 people who have lost their homes. Some have lost their income, the facilities or the infrastructure that they are accustomed to using, their wastewater system, their water system.

□ 2015

I met today in Greenville with farmers from around four counties. There were approximately 80 or more farmers who had come along with members of the agricultural community to talk about their loss and to recognize that as the relief funds now are constructed they are likely not to be included in that relief. If a farmer has lost his machinery or his livestock or his crops, how do we use that as a way of mitigating his loss? Only through now, as the law is constructed, only through a loan. Many of our small farmers are really on the fringes now of not knowing whether they will stay in business.

I met with the grangers on Friday on the report from the North Carolina Grangers Society. There may be as much as 18 to 20 percent of the farmers going out of business now. I would say that many of the farmers were having problems before now, but if we compound the impact of losing 120,000 hogs, 2.5 million chickens, almost a million turkeys and livestock, we compound that with having low prices and calamities from the drought, one begins to get a sense of the devastation and the suffering and the uncertainty of tomorrow that these farmers are also experiencing.

Not only farmers but small businesses, small businesses in Edgecombe County and Tarboro today said many of them in the downtown area, they were small businesses, they might have had 3 to 5 employees. They are not sure that a loan is what is going to help them. Many of them said when they look at their creditworthiness, meaning how much debt they have in relation to income, already they are at the margin of not being credit-worthy. So we have to begin to think about new structures to respond to both our farmers and our small businesses.

I know the gentlewoman from New Jersey (Mrs. ROUKEMA) and the gentleman from New Jersey (Mr. FRANKS) and gentlewoman from New York (Mrs. KELLY) and the gentlewoman from Florida (Mrs. FOWLER) have begun to work, and I am working with that group, to see how we can ask this Congress to look at maybe a one-time effort to give some relief indeed to both small businesses and farmers. I just want to urge my colleagues to consider that.

Finally, let me just say that we begin to think that this only affects people in North Carolina. Well, on Saturday night, there was a family that had come from this area, had come down to visit their relatives in the home county I live in, in Warren County, a young man who is a young professional, 41 years of age and into computer science, had come to visit his relatives and had gone a familiar road but did not see the sign or the sign was not very well displayed. There was a detour and the waters under that bridge were flooding above the bridge and that family of five in that van ended up in the water and the 8-year-old is dead today and the other four members of that family, from this area, are now in serious and critical condition at Duke University. So the impact is tremendous.

Mr. Speaker, we have an opportunity to respond to this tragedy. We have an opportunity to show that this government is responsive as Americans to us, and we will indeed do the right thing. I urge us to do a relief program that is responsive to the needs of all the people who are in the area of Hurricane Floyd.

THERE IS SORROW WHEN ANYONE IS LOST, BUT ESPECIALLY OUR CHILDREN

The SPEAKER pro tempore (Mr. SHERWOOD). Under a previous order of the House, the gentlewoman from Texas (Ms. JACKSON-LEE) is recognized for 5 minutes.

Ms. JACKSON-LEE of Texas. Mr. Speaker, there are several items that I would like to address this evening. Earlier today in debate, I acknowledged that this past weekend, 6 of our young people in the State of Texas died by way of a tragic automobile accident. I do want to make it clear, as I was speaking at the time of the debate on the Hillory J. Farias date-rape drug, that the incident did not involve drugs, but as someone who advocates for children, along with many of my colleagues in this House, I wanted to be able to offer sympathy to the families of those wonderful young people and as well the institutions of higher learning that all of them were then attending,

and to say that any life is a great loss but certainly when our young people are taken in the prime of their life, these youngsters were 18 and 20, 22, 21, it is a great loss. So I offer my deepest sympathy to those colleges and the families and to the friends and youngsters who have experienced that, and I hope that we can find a solution to some of these tragic accidents and find a way to prevent tragic car accidents like this one, so that we can prevent this loss of life.

Let me also take a special moment to speak again on the Hillory J. Farias bill, because there was an individual that I did not get to thank enough, and that is the Harris County medical examiner, Dr. Joy M. Carter. This has been a long journey in our community and for the Farias family in particular it has been long because the accusations were that the young lady, their niece, their granddaughter, had taken drugs. This was another drug case, and it was only at the persistence of the law enforcement and Dr. Carter to be able to answer the cries of the family to be able to detect, and Dr. Carter, of course, is a woman physician and medical examiner who persisted in detecting or attempting to detect this very difficult drug.

So I want to thank her for her work in this, and I want to read from her testimony dated July 27, 1998.

A common feature of date-rape drugs is their ability to be ingested without knowledge and the inducement of an altered state of consciousness or memory loss. These drugs are not easily detected nor considered regularly as a causative agent in a death or sexual assault so you do not usually look for these drugs. Further, these drugs are not at all categorized as Level I or II under the current Controlled Substances Act.

Today, my colleagues have joined me in directing that, and I applaud them; but I do want to thank Dr. Carter for her extra interest and going the extra mile to give comfort to that family, to know that their young person was not on drugs.

I would also like to just read an excerpt from the letter from the DEA which indicates that the DEA has documented 5,500 cases of overdose, toxicity, dependence and law enforcement encounters as it relates to GHB. The DEA has obtained documentation in the form of toxicology, autopsy and investigative reports from medical examiners on 49 deaths that involve GHB, and they will continue to monitor this and ask that it be in Schedule II if it gets to be determined to be approved for medical use by the FDA.

DEADLY 18–WHEELERS SHOULD BE REGULATED ON OUR HIGHWAYS

Ms. JACKSON-LEE of Texas. Mr. Speaker, I would like to turn my attention to the discussion that was on the floor of the House today and a discussion that has been going on in the City of Houston very briefly and that is the number of 18-wheeler trucks going through my community on interstates, of which I recognize the importance of 18-wheelers as transportation in the carry of goods. And I am not here to cast stones, but I am here to say, Mr. Speaker, we need more safety regulation and enforcement as it relates to 18-wheeler trafficking.

I bring to our attention the tragic story that occurred this past summer, a couple of months ago, to the Lutine family, where this widow now tells a story of losing her husband and three babies because of an 18-wheeler at high speed that turned over on them and caused the truck to explode; the vehicle that the family was riding in, the recreational vehicle that the family was riding in, and caused the husband and the children to be burned alive.

If I can quote the comment from the wife, the wife and mother of the three, these victims, witnessed this sickening event and as she testified she stood at the scene screaming, ''My life is over. All my children are dead.''

I am hoping that we can come together as Members of the United States Congress and ask that we include a data recorder in all trucks, Mr. Speaker, that would provide factual information to determine how these accidents occurred so that we can prevent these accidents. We will have an opportunity as we move toward H.R. 2669, as I conclude, the Motor Carrier Safety Act of 1999, this week and I hope we can work together to ensure that these tragedies do not happen again.

WHEN HISTORY IS LOOKED AT, THERE IS NO CONSTITUTIONAL SEPARATION OF CHURCH AND STATE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, the gentleman from Pennsylvania (Mr. PITTS) is recognized for 60 minutes as the designee of the majority leader.

Mr. PITTS. Mr. Speaker, tonight several of us are again gathered here in the hall of the House in this legislative body that represents the freedom that we know and love in America to discuss what our Founding Fathers believed about the First Amendment, the freedom of religion, the issue of religious liberty, and the intersection of religion and public life.

Mr. Speaker, there has been a lot said by people of all political ideologies about the role of religion in public life and the extent to which the two should intersect, if at all. Lately we have heard the discussion of issues like charitable choice, graduation prayers, even prayers at football games, opportunity scholarships for children to attend religious schools, government contracting with faith-based institutions, and the posting of the Ten Commandments and other religious symbols on public property.

As we hear this discussion, we often hear the phrase ''separation of church and state'' time and time again.

Joining me tonight to examine this phrase and this issue and what our First Amendment rights entail are several Members from across this great Nation. I am pleased to be joined by the gentleman from Colorado (Mr. TANCREDO), the gentleman from North Carolina (Mr. JONES), the gentleman from Kentucky (Mr. WHITFIELD), the gentleman from Kansas (Mr. RYUN), and the gentleman from South Carolina (Mr. DEMINT), each of whom will examine the words and the intent of our Founding Fathers.

I would like to begin by examining some of the words of some of our Founders and Framers of the Constitution as we look at the issue of encouraging religion. In debates in this body in recent weeks, some Members have criticized proposed measures to protect public religious expressions or to allow voluntarily participation in faith-based programs.

They tell us that it is not the purpose of government to encourage religion, even if it shows preference to no particular religious faith or group. Interestingly, we hear no criticism when we encourage or cooperate with private industry or with business or any other group. Only when we cooperate with faith institutions do the critics emerge.

Are the programs and endeavors of people of faith below government encouragement? Or do people of faith have some lethal virus which prohibits the government from partnering with them? Certainly not. What then is the problem? We are told that for us to encourage religion would be unconstitutional, that it would violate the Constitution so wisely devised by our Founding Fathers. This is an argument not founded in history or precedent. It is an argument of recent origin. It does not have its roots in our Constitution but rather in the criticisms of numerous revisionists who wish the Constitution said something other than what it actually does. In fact, those who wrote the Constitution thought it was proper for the government to endorse and encourage religion.

As proof, consider the words of John Jay, one of the three authors of the Federalist Papers, and the original chief justice of the United States Supreme Court.

Chief Justice John Jay declared, and I quote, ''It is the duty of all wise, free and virtuous governments to countenance and encourage virtue and religion.'' Chief Justice John Jay was one of America's leading interpreters of the Constitution, and he declared it is the duty of government to encourage virtue and religion.

Consider next the words of Oliver Ellsworth. He was a member of the convention which framed the Constitution. He was the third chief justice of the United States Supreme Court.

□ 2030

Chief Justice Ellsworth declared, ''The primary objects of government

are peace, order, and prosperity of society. To the promotion of these objects, good morals are essential. Institutions for the promotion of good morals are therefore objects of legislative provision and support, and among these, religious institutions are eminently useful and important.''

Chief Justice Oliver Ellsworth, another of American's leading interpreters of the Constitution, and one who actually helped frame the Constitution, declares that religious institutions are to be encouraged.

Consider, too, the words of Henry Laurens, another member of the constitutional convention. Henry Laurens declared, ''I had the honor of being one who framed the Constitution. In order effectually to accomplish these great constitutional ends, it is especially the duty of those who bear rule to promote and encourage respect for God and virtue.''

Henry Laurens is a third constitutional expert, one who participated in the drafting of the Constitution and who therefore clearly knows its intent, and he declares that it is the duty of government to encourage respect for God.''

Consider also the words of Abraham Baldwin, another of the original drafters of the Constitution, one of its signers. Abraham Baldwin declared, ''A free government can only be happy when the public principle and opinions are properly directed by religion and education. It should therefore be among the first objects of those who wish well the national prosperity to encourage and support the principles of religion and morality.''

Abraham Baldwin is yet a fourth constitutional expert, a signer of the Constitution. He declares that government should encourage religion.

Since the very Founders who prohibited, ''an establishment of religion'' also said that it was the duty of government to encourage religion, it is clear that they did not equate encouraging religion as an unconstitutional establishment of religion.

Finally, consider the words of Supreme Court Justice Joseph Story, placed on the Court by President James Madison. Justice Story, in his 1833 Commentaries On The Law, which today are still considered authoritative constitutional commentaries, declared this, ''The promulgation of the great doctrines of religion, the being and attributes and providence of one Almighty God; the responsibility to Him for all our actions, founded upon moral accountability; a future state of rewards and punishments; the cultivation of all the personal, social, and benevolent virtues, these never can be a matter of indifference in any well-ordered community. It is indeed difficult to conceive how any civilized society can well exist without them.'' .

Supreme Court Justice Joseph Story titled The Father of American Jurisprudence for his significant contributions to American law declares that government is not to be indifferent to religion.

There are many, many other examples, and they all prove that the current arguments demanding that government not encourage religion or allow participation in faith-based programs are ill-founded. The conflict between those today who argue that the Constitution does not permit us to encourage religion, and the actual framers of the Constitution who assert that we may encourage religion is best expressed by Chief Justice William Rehnquist who declared, ''It would come as much of a shock to those who drafted the Bill of Rights to learn that the Constitution prohibits endorsing or encouraging religion. History must judge whether it was those in 1789, or those today who have strayed from the meaning of the Bill of Rights.''

Certainly, clear-thinking Americans know that those who wrote the Constitution understand its meaning better than today's critics who try to make the Constitution say something that it does not.

It is time for this body to get back to upholding the actual wording of the Constitution, not some substitute wording that constitutional revisionists wish that it had said.

Mr. Speaker, I yield to the gentleman from Colorado Mr. TANCREDO.

Mr. TANCREDO. Mr. Speaker, my colleagues and I rise again tonight, as we have done on one other occasion, to address several myths, to destroy several myths, myths that have worked their way into the fabric of America, especially what people believe about the Constitution and about the role of religion in American life. Perhaps no where do we find a greater accumulation of these myths than in the area of education and religion.

I have had the privilege in Colorado to, several times now, present to the people of the State, through the initiative process, proposals designed to deal with school choice, vouchers, tuition tax credits, and the like.

I have always included in those proposals a provision that would allow a parent to use those dollars in support of an educational experience for their children in any school of their choice, including faith-based institutions. Inevitably, during the debate on those issues, inevitably, more hostility is directed toward that particular part of our amendment than almost anything else.

One wonders what justifies this intense hostility against allowing faith access to the halls of education and the public square. Our opponents tell us that, ''our founding principles'' require this hostility, that under our Constitution, public education has always been segregated from any religious influence. They further tell us that this was the intent of the great statesmen who gave us our government.

These, Mr. Speaker, are all myths. Such misinformed claims prove that, evidently, the individuals making them know little or nothing about those who gave us our documents or about the history of American education. However, since I am pro education, I am certainly willing to help educate my misinformed colleagues across the time on this issue.

Many of our early statesmen were great educators. In fact, in the 10 years after the American Revolution, more universities and colleges were started than in the entire 150 years before the Revolution. Our Founders were definitely pro education. They had much to say on the subject, and their profound impact is still felt today.

One influential Founding Father educator was Dr. Benjamin Rush, a signer of the Declaration of Independence, a leader in the ratification of the Constitution, and a member of the administrations of Presidents John Adams, Thomas Jefferson, and James Madison.

The credentials of Dr. Rush are impressive. He helped start five colleges and universities, three of which are still going today. Additionally, he pioneered education for women and for Black Americans, and, along with Benjamin Franklin, was the founder of America's first abolition society.

Dr. Rush also authored a number of textbooks, held three professorships simultaneously, and, in 1790, became the first Founding Father to call for free public schools under the constitution. Consequently, Benjamin Rush can properly be titled ''The Father of Public Schools Under the Constitution.''

Now, what did this gentleman with those kinds of credentials and background say about public education? I will quote, ''The only foundation for a useful education in a republic is to be laid in religion. Without religion,'' he said ''I believe that learning does real mischief to the morals and principles of mankind.''

Clear words about religion and education.

Consider, too, the words of William Samuel Johnson, a signer of the Constitution and a framer of the First Amendment, the very amendment that our opponents wrongly claim excludes religion from the public schools.

Interestingly, in an exercise which we still practice today, Samuel Johnson spoke at a public graduation exercise, and, at it, he told the graduates, ''You have received a public education, the purpose whereof hath been to qualify you the better to serve your Creator and your country.''

Then there is the Constitution signer Gouverneur Morris. He was a most active member of the Constitutional Convention and was chosen by his colleagues to write the wording of the Constitution. Gouverneur Morris is therefore called ''The Penman of the Constitution''. It certainly seems that the man chosen to write the Constitution would know its intent.

Concerning public education, Gouverneur Morris declared ''Religion is the only solid basis of good morals; therefore education should teach the

precepts of religion and the duties of man towards God.''

Another drafter of the Constitution, Henry Laurens, expressed equally clear views on religion in public schools. He explained, ''I had the honor of being one among many who framed that Constitution. In order effectually to accomplish these great constitutional goals, it is the duty of rulers to promote and encourage respect for God. The Bible is a book containing the history of all men and of all Nations and is a necessary part of a polite education.''

Consider the next words of Fisher Ames. He was a Member of this body, and according to the records of Congress for 1789, he was a Member of the House, and he was the most responsible for the final wording of the First Amendment.

Did he have anything to say about religion in schools? Definitely. In fact, when he learned that some schools were de-emphasizing the Bible in their curriculum, Fisher Ames exploded, ''Why should not the Bible regain the place it once held as a school book.'' He said, ''Its morals are pure, its examples captivating and noble.''

The man most responsible for drafting the final wording of the First Amendment saw no problem with religion in public schools. In fact, he believed that it was a problem if a public school excluded religion.

There are many, many others, all equally succinct in their declarations. These are no light weights. The Penman of the Constitution, the Father of the Public Schools Under the Constitution, the drafter of the language of the First Amendment, delegates to the Constitutional Convention, signers of the Constitution, and they all agree that public education is not to exclude religion.

Because their opinion about religion and education was so clear, the unanimous decision reached by the U.S. Supreme Court in 1844 came as no surprise. In that case, it was proposed that a government-administered school should exclude all ministers from its campus. It was, thus, feared that religious influences would also be excluded.

Interestingly, the defense attorney, Horace Binney, who was a Member of this body, the plaintiff attorney, Daniel Webster, also a Member of the House, a U.S. Senator, and a Secretary of State for three Presidents, and the U.S. Supreme Court all agreed that religious influences should not be barred from the school. The decision was delivered by Justice Joseph Story, placed on the Supreme Court by President James Madison.

Story declared, ''Why may not the Bible, and especially the New Testament, without note or comment, be read and taught as Divine revelation in the school, its general precepts expounded, its evidences explained and its glorious principles of morality inculcated? Where can the purest principles of morality be learned so clearly or so perfectly as from the New Testament?''

This was a unanimous decision of the Supreme Court. I wonder why our colleagues across the aisle and others are so hostile to the presence of faith in public education, and then they fail to mention this case.

I also wonder why they ignore the numerous signers of the Constitution who said exactly the opposite of what our opponents are advocating.

Very simply, opponents of public religious expression know that their policies which discriminate against millions of people of faith and against thousands of programs of faith are so unacceptable to Americans that additional clout is needed to convince the unwilling public to succumb to their policies.

So where do they get this additional clout? They wrongly make the Constitution and the framers of our documents into unwilling accomplices to their religion-hostile agenda. That is, they blame their religious discrimination on ''the Constitution''.

Forget the fact that the Constitution does not say what the opponents of religious expression claim that it says. Or they blame their religion-hostile policies on the great founding principles of those who gave us our government. Just ignore the minor technicality that those who did give us our government opposed the very religion-hostile policies that our opponents are now advocating.

The anti-faith policies of those who are opposed to these ideas are just as bad as their history and just as bad as the distortions they fabricate to try and excuse their religious apartheid. There simply is nothing, either in the actual wording of the Constitution or in the precedents of early American history, that requires religion to be segregated from the public square.

So tonight we once again hope to destroy myths and to continue in that process.

Mr. PITTS. Mr. Speaker, I thank the gentleman from Colorado (Mr. TANCREDO), who happens to represent the area, I believe, of Littleton, Colorado, where the great tragedy at Columbine High School occurred. I am sure the prayers of the Nation have been with his constituents this year.

Mr. TANCREDO. Mr. Speaker, I thank the gentleman from Pennsylvania.

□ 2045

Mr. Speaker, I yield to the gentleman from Kentucky (Mr. WHITFIELD).

Mr. WHITFIELD. Mr. Speaker, I want to take just one moment to talk a little bit about how this important discussion came about. On June 29 of this year, the gentlewoman from Idaho introduced House Concurrent Resolution 94 and this body debated that resolution.

It was really a simple resolution. The title of it was Recognizing National Need for Reconciliation and Healing and Recommending a Call for Days of Prayer.

In addition, it specifically said that, ''Resolved by the House of Representatives that the Congress urges all Americans to unite in seeking the face of God through humble prayer and fasting persistently, asking God to send spiritual strength and a renewed sense of humility to the Nation so that hate and indifference may be replaced with love and compassion and so that the suffering in the Nation and the world may be healed by the hand of God.''

There were a couple of other points that were basically the same, recommending that the leaders and the national, State, and local government and business and clergy appoint and call upon the people they serve to observe a day of prayer and fasting and humiliation before God. A very simple resolution, going back to the very founding of this country on religious principles.

And yet, when that resolution came to a vote on this floor on June 29, it received 270 votes, 270 Members voted yes, 140 Members voted no, and 11 voted present.

Now, normally it would have passed, but this was on a suspension calendar because no one thought it would be controversial. And since it did not receive two-thirds of the vote of those voting that day, it failed.

It is really difficult to imagine that a simple resolution with such traditional values expressing those calling for humility and prayer to help heal this Nation would fail on this floor.

Now, I would also tell my colleagues that of the 140 people who voted no on this floor, 136 of them were Democrats.

Now, I do not question the motives of anyone who voted no. However, the vote demonstrates clearly that a significant number of Members in this body do not want this body to express itself on religious matters. It is also important to remember that this resolution was simply an expression of the House on this issue, it was not a law, it did not have any mandates, it did not have any inner enforcement, but simply an expression of the House. And even if it had passed the House and the Senate and was signed by the President, it would not have been an enforceable statute, simply an expression of the sense of Congress.

Now, the sad thing is people on this body do not want the House of Representatives expressing a view on religion, and yet nearly 200 religious resolutions have been passed by this body over the history of this Congress and many of them passed at the request of Founding Fathers like George Washington, John Adams, James Madison, and others.

Now, members from the other party objected to this body doing what scores of former congressmen had constitutionally done. Why? Well, they made it very clear that day in June that they voted against it because they said to

encourage a day of prayer and fasting would be unconstitutional.

Now, why did they say that? I want to quote from their statements taken from the CONGRESSIONAL RECORD. One of them said, ''Congress has no business giving its official endorsement to religion. This resolution is an official endorsement of religion and thus constitutes an establishment of religion.''

One of them said, ''To even suggest prayer should be a government dictated, necessary duty demeans the very sanctity of prayer.''

Another one said, ''No matter how this resolution is dressed up, it is an official endorsement of religion and of particular religious beliefs and activities and constitutes an establishment of religion.''

Well, I found that difficult to believe after having read this resolution three and four and five times. There is nothing in here about dictating anything. It does not establish any religion whatsoever. And I wanted to touch on that briefly.

One example of the definition of ''establishment'' came from this very body. In 1854, an investigation was conducted by the House Committee on the Judiciary about what is an establishment of religion. After a year of hearings and investigations on what constituted an establishment of religion, the House Committee on the Judiciary emphatically reported.

What is an establishment of religion? It must have a creed defining what a man must believe. It must have rights and ordinances which believers must observe. It must have ministers of defined qualifications to teach the doctrines and administer the rights. It must have tests for the believers and penalties for the nonbelievers. There cannot be an established religion without these.

We know that this simple resolution on this floor on June 9, 1999, did not come close to any of those. And yet most of those opposed said that it established religion.

In addition to that, the Senate Committee on the Judiciary reported the same thing, that it must have a creed defining what a man must believe. It must have rights and ordinances which believers must observe. It must have ministers of defined qualifications. It must have tests for believers, penalties for the non-conformists.

So from these clear definitions of this body itself, from the Senate judiciary, from the House judiciary, this resolution was not an establishment of religion under any definition.

Further proof that it was not, Justice Joseph Story, a legal expert appointed by the Supreme Court by President James Madison and who was called the Father of American Jurisprudence, was very clear on what the word ''establishment'' meant in the First Amendment.

In his commentaries on the Constitution of the United States, a work which is still cited regularly in this body, Justice Story began by declaring that government should not only endorse but should encourage religion. And then he would explain that ''the promulgation of the great doctrines of religion, the being and attributes and providence of one almighty God, the responsibility to him for all our actions founded upon moral freedom and accountability, a future state of rewards and punishments, the cultivation of all the personal social and benevolent virtues, these never can be a matter of indifference in any well-ordered community.''

He went on to say that ''The real object of the First Amendment was to prevent any national ecclesiastical establishment by the government, and without that there is no establishment of religion.''

I, for one, and I think others here tonight refuse to submit to the popularity of political correctness that states that elected representatives of the people should not pass resolutions expressing the sense of Congress on religious matters. I do not advocate nor does anyone here advocate the establishment of any religion as defined. We do not want to mandate Hinduism. We do not want to mandate Buddhism. We do not want to mandate Christianity, Jewish religion, Islamic religion.

So we do not advocate the establishment of any religion. But we recognize the inseparability of the religious principles from humanity. And if this body cannot discuss it, if this body cannot pass resolutions expressing its view on religion, then who in America can?

Mr. PITTS. Mr. Speaker, I thank the gentleman for that very formative discussion of the issue of religious liberty and intent of our Founders.

Mr. Speaker, I yield to the gentleman from Kansas (Mr. RYUN).

Mr. RYUN of Kansas. Mr. Speaker, I thank the gentleman from Pennsylvania (Mr. PITTS) for his leadership on this most important issue.

Mr. Speaker, in recent weeks in this chamber, we have debated so many issues related to religious liberties. Opponents of public religious expression from across the aisle were very vocal in their opposition. It was difficult to listen to them rewrite history and the Constitution.

Consider, for example, the assertions that they made when we were debating the Juvenile Justice bill shortly after the Littleton tragedy. One of the amendments to that bill offered by the gentleman that we just heard from recently who represents Littleton allowed the schools to erect memorials in honor of the slain and permitted religious symbols or sayings to be included in these memorials if desired by the citizens.

That identical amendment, I want to say that again, this particular identical amendment already passed the Senate by an overwhelming majority of 85–13. That amendment contained Congressional findings stating, based on our investigation of the issue, that to include a religious symbol or saying in a public display would not violate the Constitutional prohibition against the establishment of religion.

This Congressional finding caused opponents on the other side of the aisle to set forth a startling, dangerous document. They said, ''It is the Supreme Court that interprets the Constitution and says what the Constitution means. It is not the province of Congress.''

This is a very dangerous doctrine. If this doctrine is true, then this body is no longer an independent branch of Government, it has become a subbranch of the Judiciary. In fact, if this doctrine is true, we should pass no law until we get prior approval from those who are apparently our bosses, the Judiciary.

Are my colleagues proposing we should consult the Judiciary before we waste time passing a law with which they might disagree?

Incredibly, this doctrine was set forth in the 1930s and 1940s by Charles Evans Hughes, who is the Chief Justice of the United States Supreme Court. Chief Justice Hughes declared, ''We are under a Constitution, but the Constitution is what the judges say that it is.'' Let me say that again. ''We are under a Constitution, but the Constitution is what the judges say that it is.''

His statement properly raised a fire storm at the time and was soundly refuted. It is no less dangerous today simply because it has been revived by those across the aisle. It is unbelievable to me that any Member of this body would support that particular doctrine.

If the doctrine reported by those on the other side of the aisle is true that only 940 individuals in the Judiciary can understand and interpret the Constitution, then we should replace the teaching of the Constitution in our schools with the teaching of the decisions of the Judiciary. And although I say this facetiously, regrettably, this is already happening.

A former member of this body out of the State of Georgia was shocked to find that the Government textbooks used in his State published by one of the national curriculum publishers had actually replaced the original words of the Bill of Rights with the court's interpretation of the Bill of Rights.

If those on the other side of the aisle are right and only the Judiciary can understand and interpret the meaning of the Constitution, then the recommendations by Founding Father John Jay should be considered subversive.

John Jay, coauthor of the Federalist Papers and who has been mentioned many times this evening already, who was one of the three men most responsible for the adoption of the Constitution, and the other original chief justices of the Supreme Court, he admonished America and he said, ''Every citizen ought to diligently read and study the Constitution of his country. By knowing their rights, they will sooner perceive when they are violated and be

the better prepared to defend and assert them.''

□ 2100

Interestingly, this dangerous doctrine is not a new doctrine. Two hundred years ago, it was rejected by every one of the early statesmen who gave us this government. In fact, those who wrote the Constitution declared the doctrine exactly the opposite of what our opposing colleagues are setting forth.

For example, they taught that the opinion of Congress was more important than the opinion of the Judiciary. For example, in the Federalist Papers, Federalist Paper 51, it declares this, under the Constitution, and I quote: ''The Legislative authority necessarily predominates.''

Let me read from the Federalist Paper 78. It declares this, and I quote: ''The Judiciary is beyond comparison the weakest of the three departments of power.''

These declarations in the Federalist Papers were representative of the widespread feeling of those who gave us the Constitution. As an even further example at the Constitutional Convention, delegate Luther Martin declared, and I quote again, ''Knowledge cannot be presumed to belong in a higher degree to the judges than to the legislature.''

There are many more examples, but the point is established: the authors of the Constitution believed, and taught, that Congress had a responsibility to interpret the meaning of the Constitution for itself.

So where did our learned colleagues on the other side of the aisle come up with this radical doctrine that only unelected attorneys are capable of correctly interpreting the Constitution? They said, and I quote, ''Everybody learns this the first week in constitutional law in law school or college.''

Great. Our law schools. Foxes guarding the henhouse. Should we really trust lawyers who teach students that only other lawyers, and especially lawyers that are on the Federal court, can interpret the Constitution?

While the doctrine proposed by those on the other side of the aisle is a startlingly dangerous doctrine, I can understand why they propose it. It is evident in our recent debates on religious liberties. Some clearly do not like the plain, unambiguous words of the Constitution that guarantees the free exercise of religion. They do like, however, the decisions reached by a judiciary that has become increasingly hostile towards students and citizens and communities who simply want to express their religious faith. Many on the other side of the aisle are simply choosing the source with whom they agree, and, unfortunately, it is not the Constitution.

For my part, I will continue to read and study and interpret the actual document and when the Constitution explicitly declares that citizens are guaranteed the free exercise of religion, I will support those citizens' rights to express their religious faith publicly. I choose to support the Constitution the way it was written rather than the way a bunch of constitutional revisionists want it to read.

Mr. PITTS. I thank the gentleman from Kansas for his very informative and timely explanation of the principles of religious freedom as regards to our courts versus the Congress.

Mr. Speaker, I yield to the gentleman from North Carolina (Mr. JONES).

Mr. JONES of North Carolina. I thank the gentleman from Pennsylvania for yielding. I am picking up on the same theme as my distinguished colleague from Kansas.

I, too, was shocked to hear the claim that this body is incapable of interpreting the Constitution for itself. Unfortunately, those across the aisle did not like the interpretation of the Constitution reached by the majority of this body and instead preferred the interpretation of the Constitution reached by unelected lawyers. So, in an effort to impose the will of those judges with whom they agree on this body with whom they disagree, they tell us that we in this body have no right to interpret the Constitution for ourselves.

This is an amazing doctrine to set forth because they disagree with the free exercise of religion explicitly guaranteed by the Constitution. Contrary to their ill-educated claims, Congress does have not only the right but also the authority and the responsibility to interpret the Constitution for itself. We are here to use every tool at our disposal to preserve for the people of the United States the rights guaranteed by that document, including their right of public religious expression, even when the judiciary disagrees with that constitutionally guaranteed right.

Interestingly, in the course of our debates on religious liberties, our opponents across the aisle have frequently cited two Founding Fathers, James Madison and Thomas Jefferson. Since they have such a high esteem and veneration for these two, I felt sure they would want to know what Madison and Jefferson said about the right of Congress to read and interpret the Constitution for itself.

When James Madison heard it proposed that only judges, and not the Congress, were capable of interpreting the Constitution, he forcefully rejected that suggestion. He declared, and I quote:

> The argument is that the Legislature itself has no right to expound the Constitution; that wherever its meaning is doubtful, you must leave it to take its course until the Judiciary is called upon to declare its meaning. I beg to know upon what principle it can be contended that one department draws from the Constitution greater powers than another. Nothing has yet been offered to invalidate the doctrine that the meaning of the Constitution may as well be ascertained by the Legislative as by the Judiciary authority.

And distinguished Founding Father John Randolph, a member of this body for nearly three decades who served with James Madison, reaffirmed this doctrine explaining, and I quote:

''The decision of a constitutional question must rest somewhere. Shall it be confided to men immediately responsible to the people or to those who are irresponsible?'' At that point he was talking about the Congress and judges.

I further quote:

''With all the deference to their talents, is not Congress as capable of forming a correct opinion as they are?'' That again I think is an important quote to share with the colleagues here tonight as well as to those who are not here.

The other favorite Founding Father of our distinguished colleagues across the aisle is Thomas Jefferson, the founder of their party. Thomas Jefferson was equally clear on this issue. He declared:

> Each of the three departments has equally the right to decide for itself what is its duty under the Constitution without any regard to what the others may have decided for themselves under a similar question.

The doctrine that only the judiciary can interpret the Constitution is a radical and dangerous doctrine.

And in a second statement by Jefferson, he continued the same thing, declaring:

> To consider the judges as the ultimate arbiters of all constitutional questions is a very dangerous doctrine indeed, and one which would place us under the despotism of an oligarchy. Our judges are as honest as other men and not more so. They have, with others, the same passions for party, for power, and the privilege of their corps. And their power the more dangerous as they are in office for life and not responsible, as the other functionaries are, to the elective control. The Constitution has erected no such single tribunal.

The other founder of the Democratic Party is Andrew Jackson. Maybe those from across the aisle would be interested in what he said on this same issue. Jackson emphatically declared, and I quote:

> Each public officer who takes an oath to support the Constitution swears that he will support it as he understands it and not as it is understood by others. The opinion of the judges has no more authority over the Congress than the opinion of Congress has over the judges. The authority of the Supreme Court must not, therefore, be permitted to control the Congress.

On our side of the aisle, the one we claim as the founder of our party, Abraham Lincoln, was also clear about this issue. In his inaugural address, President Lincoln declared, and I quote:

> I do not forget the position assumed by some that constitutional questions are to be decided by the Supreme Court. At the same time, the candid citizen must confess that if the policy of the government is to be irrevocably fixed by decisions of the Supreme Court, the instant they are made the people will have ceased to be their own rulers, having resigned their government into the hands of that eminent tribunal.

Interestingly, one of the things on which both Republicans and Democrats

long agreed was rejecting the doctrine that Congress could not interpret the Constitution. But now those from across the aisle want to abandon the wisdom of the past two centuries and look solely to the judiciary as being the interpreters of the Constitution.

Do they really believe the judiciary to be infallible? Need I remind them that it was the judiciary who declared that black Americans were property and not people? Or that it was the judiciary who instituted the separate but equal doctrine; and that when the judiciary finally struck down that position in Brown v. Board of Education that it was only reversing its own policy that it had established in Plessey v. Ferguson? Does not experience teach that the court is fallible and that Congress in its interpretation of the Constitution has been correct more often?

I choose to agree with America's leading statesman and legal experts from both the Democrat and Republican parties over the past two centuries that Congress does have both the right and the obligation to interpret the Constitution for itself. Our oath of loyalty is not to the judiciary's opinions but rather is to the Constitution itself. Or, as President Andrew Jackson so accurately explained, and I quote, ''Each public officer who takes an oath to support the Constitution swears that he will support it as he understands it and not as it is understood by others.''

Mr. Speaker, before yielding to the gentleman from Pennsylvania, I would like to say that this country was founded on Judeo-Christian principles and those of us who serve in the United States Congress have a responsibility to remember that this Nation was founded on Judeo-Christian principles.

Mr. PITTS. I thank the gentleman from North Carolina for that continuing explanation of the right of Congress to read and interpret the Constitution for itself, and not just rely on the courts.

Indeed, there is nothing sacrosanct about a Supreme Court decision. The Supreme Court has reversed itself over 100 times since our Nation's founding.

At this time, batting cleanup, I yield to the gentleman from South Carolina (Mr. DEMINT) to talk about one of the more controversial issues that we face this session, the Ten Commandments posting.

Mr. DEMINT. I thank the gentleman from Pennsylvania for his leadership and for yielding.

Mr. Speaker, this House of Representatives recently passed a bill sponsored by the gentleman from Alabama (Mr. ADERHOLT) which was related to the Ten Commandments. This measure is now part of the juvenile justice bill that along with other value-focused provisions will make our schools safer and our communities better places to live for everyone.

Surprisingly, several misguided objections about the Ten Commandments bill were raised by some of my colleagues here in the House, objections which were clearly based on a misunderstanding of the bill and of the Constitution. Tonight, I would like to set the record straight.

The misinformation promoted by the critics of the Ten Commandments bill includes the false idea that the bill would force schools to post the Ten Commandments. It does not. The bill will only transfer power away from the Federal Government and back to the State governments where it belongs. It simply allows each State and their schools to decide for themselves whether or not they wish to display the Commandments. This measure wisely corrects the failed one-size-fits-all Federal Government restrictions on religious freedoms. Furthermore, the bill does not violate Thomas Jefferson's separation of church and state as a few Members have charged. Rather, it complies totally with Thomas Jefferson's intent. Jefferson believed that this issue belongs to the States, not the Federal Government.

Jefferson forcefully argued, and I quote, ''No power to proscribe any religious exercise or to assume authority in religious discipline has been delegated to the Federal Government. It must, then, rest with the States.''

Jefferson repeated this argument on numerous other occasions, explaining that the issue belongs to the States, not the Federal Government. For example, in 1798 he declared, and I quote, ''No power over the freedom of religion is delegated to the Federal Government by the Constitution.'' And in his second inaugural address in 1805 he declared, ''The free exercise of religion is independent of the powers of the Federal Government.''

Very simply, according to Jefferson, the purpose of the first amendment was to keep religious issues from being micromanaged at the Federal level. As Jefferson explained to Supreme Court Justice William Johnson, and I quote, ''Taking from the States the moral rule of their citizens and subordinating it to the Federal Government would break up the foundations of the Union. I believe the States can best govern our domestic concerns and the Federal Government our foreign ones.''

The Bill of Rights was specifically designed to leave decisions on things like posting the Ten Commandments in the hands of the States. Consequently, the Ten Commandments bill passed by the House does not violate Jefferson's separation of church and state concept. Rather, it confirms Jefferson's clearly stated design.

□ 2115

However, even if some were to assert that the decisions on the display of the Ten Commandments should be a Federal issue, we can still strongly defend the people's freedom to display the commandments. Consider the words of President John Adams who signed the Bill of Rights as he links the Ten Commandments with our laws protecting individual rights, and I quote: ''The moment the idea is admitted into society that property is not as sacred as the laws of God and that there is no force of law in public justice to protect it, anarchy and tyranny commence. If 'thou shall not covet' and 'thou shall not steal' are not commandments of heaven, they must be made inviolable precepts in every society before it can be civilized or made free.''

And President John Quincy Adams, a legislator and legal scholar whose famous cases before the Supreme Court are well known, also declared about the Ten Commandments: ''The law given from Sinai was a civil and municipal code as well as a moral and religious code. These are laws essential to the existence of men in society and most of which have been enacted by every Nation which ever professed any code of laws. Vain indeed would be the search among the writings of secular history to find so broad, so complete and so solid a basis of morality as the Ten Commandments lay down.''

And Noah Webster, an attorney and constitutional expert declared, and I quote: ''The opinion that human reason left without the constant control of divine law and commands will give duration to a popular government is as unlikely as the most extravagant ideas that enter the head of a maniac. Where will you find any code of laws among civilized men in which commands and prohibitions are not founded on divine principles?'' end quote.

Clearly, those present at the formation of our government saw no problem with the public use of the Ten Commandments. In fact, they saw grave consequences of any country that did not follow them. Nevertheless, despite what some Members and some in the media have claimed, the bill would not force anyone to display the Ten Commandments. The bill simply transfers the decisions on voluntary posting of the Ten Commandments back to the States and communities where the decisions properly belong.

Those who argue that the Constitution says otherwise need to recheck the wording of the Constitution for themselves, rather than simply embracing the arguments of the constitutional revisionist who wished the Constitution said something other than what it really says. This House has taken a commendable step toward securing the future for every American by returning more decisions and freedoms back to the States and back to our schools. I urge my colleagues to support the juvenile justice conference report that includes the Ten Commandments provisions when it comes to a vote.

Mr. PITTS. Mr. Speaker, I thank the gentleman for that excellent discussion of the original intent of our framers regarding religious liberty and the Ten Commandments posting debate that we have had recently with the juvenile justice bill.

I want to say a final thank you to all of the participating Members tonight.

It has been most informative to listen to each of my colleagues as they have shared the very words of our Founding Fathers. And as we have listened to these words, it becomes crystal clear that, to the extent that the First Amendment addresses the interaction between public life and religious belief, it is this: that the only thing that the First Amendment prohibited was the Federal establishment of a national denomination. The freedom of religion, therefore, is to be protected from encroachment by the State, not the other way around.

Mr. Speaker, with the words of our Founding Fathers, and they are many, from George Washington to John Adams to John Jay, Benjamin Rush, John Quincy Adams, Fisher Ames, Daniel Webster, Abraham Lincoln, Thomas Jefferson and others cited tonight, each one of these men was fully committed to the primary role that religion played in public life and in private life, yet without the establishment of one particular denomination.

So, Mr. Speaker, as we continue to consider the many policies that lie before us, from charitable choice to opportunity scholarships to attend religious schools, to governmental contracting with faith-based institutions, even to the posting of the Ten Commandments on public property, let us do so with a true intention of the framers in mind, and that intention was to allow and encourage religion, both to flourish and to inform public life, yet still without naming a particular state religion or denomination at the Federal level.

That is fully possible.

Instead of shutting it out and denying even the purely practical solution that it offers, let us not be afraid of the good that religion can and does bring to public life. Indeed, it is one of the reasons that we have such a great country called America.

THE REPUBLICAN MAJORITY IS NOT LISTENING TO THE AMERICAN PEOPLE

The SPEAKER pro tempore (Mr. OSE). Under the Speaker's announced policy of January 6, 1999, the gentleman from New York (Mr. OWENS) is recognized for 60 minutes as the designee of the minority leader.

Mr. OWENS. Mr. Speaker, we are, I hope, nearing the end of the first session of the 106th Congress, and there are some people who say that probably the end of October we might end the session; but from what I hear today, it may be close to Thanksgiving before we get out of here. Either way, it is a most regrettable session; it is a tragic comedy that ought to end as soon as possible.

One of the most regretful parts of this session is that the Republican majority that is in charge of the Congress is not listening to the American people. We as politicians always are accused of holding our fingers in the air to see which way the wind is blowing and shaping our actions and our policies in accordance with public opinion. It is very interesting that this is a year when, in very important areas, we are not listening to the people when we should be.

I am not saying that we should always follow public opinion; I think a representative government means that they expect some judgment to be exercised by those who are elected and sometimes their conscience and their knowledge and their vision may conflict with the opinion of the masses; but in general, we should always be listening. And when there is a conflict, we should certainly try to work towards some kind of compromise, some kind of merging of our own opinions with those of the majority. We pay a lot of money for polls and both parties and individuals rely heavily on focus groups and all kinds of devices to find out what people are thinking.

But we have a situation now where it is quite clear on several major issues exactly where people are, where the majority is, and this Republican majority refuses to listen. Of course I am told that if the Republican majority wants to shipwreck that first session of the 106th Congress, or maybe the next session too, and we come to a situation where their conflict with the majority of Americans is so great until the democratic process will go into action, and it will throw them out of office. We should not worry as Democrats; we should be happy that there is such confusion and such day-to-day trivializing of the processes of the Congress.

Everyday we have stupid bills that really do not mean very much and are a waste of time. In our committees, instead of meeting issues head on, we are dancing around them and camouflaging the real intent of the majority on these bills. Currently we have a situation of that kind in the Committee on Education and the Workforce as we seek to reauthorize the Title I portion of the Elementary and Secondary Education Assistance Act. I am sure many other committees are finding the same tactics where we do not address reality, we trivialize the process by playing around the edges and we are proud of not doing anything. This is a no-commitment Congress.

Some people have often used the joke that when Congress is out of session, the Republicans say it is good for us not to be around because we only do harm when we are here. Well, I think that worse than doing harm is to not address the issues at hand and to do nothing, sins of omission are the sins of the 106th Congress. It is a shipwreck Congress as we come closer to the close of this first year. It seems that matters are growing worse each day, not better.

We might say that maybe we had a high point last week where we did vote on the HMO Patients' Bill of Rights, the Patients' Bill of Rights that would allow people to have some kind of leveraging as they deal with the health maintenance organizations. Well, we finally came to a point where we got a vote on the floor. We got a long debate, and there were attempts to poison the bill with substitutes and even now, there are attachments to the bill which place the HMO Patients' Bill of Rights bill in some jeopardy, but at least it has been accomplished, finally.

But what took so long when so many Americans have made it quite clear that they wanted something done about reining in the HMOs. They wanted this Patients' Bill of Rights very badly. Do we always have to reach the point where 80 percent of the people are for something before we can get some action by the Republican majority here in the House? Why must it take 80 percent before they realize that there are political dangers in not doing anything, so finally they yielded and we were able to get a Patients' Bill of Rights, flawed as it may be, passed out of the House and it is now going into the conference process with the other body, and the other body has a bill which is quite different and weaker, and we must watch closely to see that the Patients' Bill of Rights, the heart of the matter, is not sabotaged and rendered impotent.

It is very important that with all of the kinds of experiences that we now have, all of the anecdotes that can be told on either side, both Republicans and Democrats, if one is a Congressperson, one is constantly being assailed with stories of the HMOs and our failure to do anything to combat the abuses that HMOs are guilty of.

So it is something that had to be done. The focus groups told us, the polls told us; but it took us a long time to get there. I am happy to see that in certain places there is movement ahead of the Congress and we will have to run to catch up, but I think that there is such a strong impetus to have justice in the area of health care that we are going to get it by and by. It just takes too long. The democratic process should not take so long.

I understand that California, in California today or yesterday, the governor signed a bill where California now has a standard, a fixed standard for nurse and patient ratios. In nursing homes and hospitals, we have to have a certain number of nurses in ratio to the patients that is reasonable so that the patients will get a reasonable amount of care. Governor Gray Davis, Democratic governor of California signed that bill. I want to congratulate the people of California, congratulate the legislators out there for moving forward on correcting a major abuse that HMOs have caused as a pressure to bring down the cost of health care, the amount of money that they pay the hospitals for health care. They have forced hospitals into situations where they have cut back on personnel, often personnel that is vital to the health and safety of the patients.

□ 2130

We should not tolerate that. There are elements in the Norwood-Dingell bill which deal with standards, deal with protection, access to services, emergency care; a number of very direct approaches which rein in abuses that are known to have been practiced by the health maintenance organizations.

Most important in the Norwood-Dingell bill is the provision for the suing of HMOs. We can take an HMO to court and sue, which nobody is recommending a large number of court suits. But if the power to sue is there, then it establishes a whole different environment that patients operate in, and it is very important to keep that provision in there.

So we can applaud that finally, after begging, after pleading, after pushing, after the public opinion polls kept rising, we were able to get some action on the floor. We have a bill that is going through a process now which has to be watched closely, but I hope it is progressing.

The fact that the House and Senate now have to go into conference and come out with a bill that both Houses can live with and the President will sign is a good sign. We are much further along than we were, I assure the Members, before we passed that bill last Thursday.

Prescription drug benefits are not dealt with in this bill. This is to deal with reining in HMOs. There are some items in there related to prescriptions and how HMOs must handle prescriptions. There are some efforts to cut abuses by health maintenance organizations in the case of prescriptions, but we have not addressed the issue of providing prescription drug benefits for people who are on Medicare.

There is a need to be able to let every American share the benefits of modern science. There is a need to be able to make certain that no person goes sick or is in pain unnecessarily. If we have the drugs, if we have the medication which can ease pain, can improve health, then the fact that a person has no money should not be a barrier to the use of those modern miracle drugs.

I think that there are some situations where various ailments or diseases are quite rare and unusual, and the production of the drugs and medications necessary to treat them is very costly. They deserve special treatment. But there are a large number of drugs which are designed to deal with commonplace ailments.

Diabetes is an ailment which afflicts millions of Americans. There are medications for diabetes which everybody should be able to have access to. Some of them are a bit expensive, and expensive is a relative term. If a widow is on a small pension and social security and has to pay her rent and food, et cetera, what is expensive to that widow might seem rather inexpensive to some others of us who are healthy and still working and have good salaries.

But why should the person who needs it most and the people who are most frail, who are the eldest people, the people who have declining incomes, in many cases, or no incomes, do without? In too many instances, I have had people tell me, I could not keep taking my medication. I could not maintain the drugs that I needed because I just did not have the money. It was a matter of either I eat or I take my medications, and I had to stay alive.

Some of those same people, we do not find them around after a few months because the drugs they take are vital to their health, or they become much sicker as a result of not being able to take drugs that are beneficial to the prevention or the retardation of certain kinds of advancing ailments, so they get very sick, they go the hospitals and they are charity cases. They must be taken care of in a much more expensive setting than would be the case if they were allowed to have prescription drugs.

I am on several prescription drug bills. I am happy to say that we have colleagues who have proposed remedies, and the President has certainly proposed an initiative that will begin to deal with the problem of the denial of prescription drugs to persons who are in need of these drugs.

I am on a bill that the gentleman from Massachusetts (Mr. FRANK) has to require the Secretary of Health and Human Services to submit to Congress a plan to include as a benefit under the Medicare program coverage of outpatient prescription drugs, and to provide funding for that benefit.

I am on another bill that the gentleman from New York (Mr. ENGEL) has, which is a bill to amend title 18 of the Social Security Act to provide for the coverage of outpatient prescription drugs under Part B of the Medicare program.

The gentleman from Maryland (Mr. CARDIN) has a bill. I am certainly on a bill with our colleague, the gentleman from Washington (Mr. MCDERMOTT). In his bill, of course, he covers all prescription drugs, because that is a single-payer bill, H.R. 1200.

I just want to take this opportunity to say that H.R. 1200, the single-payer bill sponsored by the gentleman from Washington (Mr. MCDERMOTT), is still very much alive as a piece of legislation. We continue to reintroduce it. I am on that bill.

I am on a bill with the gentleman from Rhode Island (Mr. KENNEDY), with the gentleman from Vermont (Mr. SANDERS), a bill to require persons who undertake federally-funded research in developmental drugs to enter into reasonable pricing agreements with the Secretary of Health and Human Services, and for other purposes.

Some might have seen some of these exposes that have appeared on television in the last few months of what the drug situation is with respect to the United States as a principal creator and manufacturer of modern drugs. We have a situation where we are charging our citizens far more for those drugs that are created in this country than citizens of other countries are being charged.

We do not have to go all the way to Europe, just go next door to Canada or next door to Mexico, and we will see tremendous price differences between the drugs, important prescription drugs, that are being sold in Canada and in Mexico versus the price we pay here.

Many of these same drugs have been developed as a result of basic biology and chemistry, research that has been done in American universities financed by the taxpayers of the country, and have been done in our institutes of health. There are studies and all kinds of things we do to enhance the production of important, modern drugs. But we are, as citizens, forced to pay enormous prices, far more than people in other countries.

This is unacceptable. This is a reason to get angry. We cannot dawdle here in the Congress and let this continue to go on. We need to come to grips with the fact that our people, our citizens who in many cases have financed, partially financed, the development of important, modern drugs, are being charged enormously excessive rates for the use of those drugs. That is more unfinished business.

The public says they want something done about this. The polls say we need to do something about it. The people have spoken, but nobody is listening. The Republican majority is not listening to the American people.

Some folks in New York State, for example, have made a joke out of the fact that the First Lady, Hillary Clinton, is considering running, exploring a possible run for the Senate. She has announced for several months now that she is on a listening tour. She is not running, she is on a listening tour. They made fun of that and thought it was very funny, that it is a new twist, and people like to play with it. But I think it is a very good idea, to have every American elected official start out by listening.

It is a very important part of our activity. We pay a lot to get to the point where people are talking to us through our polling, through our focus groups. It is a vital part of the operation. No political campaign goes forward without polls and without attempting to measure the opinion of the public.

So we know that they want prescription drug benefits. We know they want a bill of rights for health maintenance organization patients. We know this very well, so why is the Republican majority refusing to listen to the American people?

We have some areas where the public has no opinion or no particular concern where there is a great deal of activity here in Washington to spend their money, to spend the taxpayers' money. The other side likes to talk about taxpayers' money being wasted on food

stamps and WIC programs and Medicare and programs that benefit people, but they are very much involved in the effort to revive the F–22.

The F–22 is an airplane that may be a miracle airplane. It may be able to do all the things, one day, when they get through with the research and testing. The F–22 may be a miracle airplane able to do wonders, but it costs billions of dollars to manufacture F–22s. They are trying to work out a situation where they can get it through the testing stage and we will build $50 to $60 billion worth of F–22s.

Why do we need $50 to $60 billion worth of F–22 fighter planes when we have very good planes that are far superior to any planes manufactured anywhere in the world? Why do we need another super super fighter plane? But there is a great deal of discussion underway about what can be done to save the F–22, how can we develop a rationale to spend billions of dollars to develop this plane that is manufactured mostly in Marietta, Georgia, the home district of our former Speaker of the House of Representatives, Mr. Gingrich? What can we do to revive the F–22?

The public is not asking for the F–22. In no poll, no focus groups will we hear people crying for more F–22s. I marvel at the way the majority, the Republican majority, gets stuck and stays in one rut.

I was looking through my records and found that on March 14 of 1995, that is 4 years ago, more than 4 years ago, I commented on the F–22 and the folly of pursuing money for the F–22 at a time when the Republican majority was proposing to save money by cutting back on school lunches. I think about a month later in April I talked about, the Nation needs your lunch, where the Republican majority was saying to schoolkids, we have a budget crunch. We need your lunch. We have to cut back on school lunches in order to make certain that we balance the budget.

That same Republican majority was at that time very much pushing the F–22. I am going to go back and read from March 14, 1995, what I said:

> Mr. Speaker, I would like to make one more plea for justice. I want to again beg the leadership of this Congress to abandon its reckless demolition of the programs that have helped to make America great in the eyes of the whole civilized world. The way we as a Nation have treated the least among us is the vital ingredient of our greatness.
>
> This is a plea for honest decision-making. Yes, there is waste in government and it must be removed, but school lunches and summer youth employment programs are not wasteful. These are the government programs that work. These are the programs that are still very much needed. The CIA is not needed at the level of $28 billion a year, which they admitted was at least that much in 1995. The farm price supports for rich farmers are no longer needed at the level of $16 billion a year. We do not need another Sea Wolf submarine, and we certainly do not need to spend billions of dollars for F–22 fighter planes.
>
> The F–22 enterprise in Marietta, Georgia, represents a long-term, overwhelming pork barrel. For this same amount of money, we could double the number of jobs in the civilian sector, creating infrastructure and services that are needed. The F–22 is Republican pork. In the Federal budget, this is a huge hog that deserves to be slaughtered.

My point is that the F–22 in 1995 was on no list of public opinion at a high level demanding that we build F–22s. In 1999, it is even less desirable than it was in 1995. Yet we are going ahead, not listening. We are not listening to the public when they say they want a Patients' Bill of Rights, we are not listening to the public when they say, we want prescription drug benefits. We are not listening to the public when they say, we want school construction, an increase in the minimum wage. They are not listening, but they are trying hard to put together a program to maintain the F–22 in 1999.

In 1995, I did a little poem for them that went as follows:

> The F–22 for pork, not for me and you.
> The F–22, toys for skies blue,
> Empty of any enemy crew.
> The F–22, jobs for just a few.
> The F–22, rich Georgia stew,
> Pork, pork, pork, not for me and you.
> Off the orphans, starve the kids,
> Save the contracts, roll out the bids.
> Bully the poor, be a high-tech dog,
> Eat the best meat high on the hog,
> For the peach, who gives a hoot?
> The F–22 pork is now the Georgia State fruit.
> Pork, pork, pork where they grow, the F–22, that is the speaker's hometown, too.
> The F–22, pork, pork, pork not for me and you.

□ 2145

The F–22, mostly manufactured in Marietta, Georgia, the home of former Speaker Newt Gingrich, and there are still people who are working day and night to put together a plan to keep that F–22 flowing at the cost of billions of dollars.

Nowhere is the public asking for more F–22s. We are spending a great deal and amount of time to do the things that nobody wants done, except a small special interest few, but we are ignoring some other big issues. While we dawdle here in this 106th Congress and do not pay attention to anything of great importance, the era of prosperity and relative peace in the world, which has given us time to focus on important vital matters, is being whittled away.

We should be dealing with the fact that in this era of peace, we should invest more funds in ways to keep peace going, not in F–22s and other war machines that are really outdated.

Where is the next contact likely to come from? Probably between India and Pakistan. Every day some new development takes place way over there between two very highly populated countries that have been at each other for quite awhile, mainly over the issue of Kashmir. The Pakistani government was overthrown today. There was a coup. The elected government, elected by a majority of the people, was overthrown by the Army. Pakistan has had a long history of military rule; and whenever the military rules, they only go backward. They have a lot of economic problems at this point, and they are likely to get worse. Why is the Pakistani Army in charge now? Because the elected prime minister, a person chosen by the people, decided to dismiss the chief of staff of the Army, the chief of the Armed Forces. The chief of the Armed Forces is the person rumored to have caused a major upheaval a few months ago when he marched without the knowledge of his government, without the knowledge of the prime minister, of the approval of the elected officials that went into Kashmir beyond the line of demarcation and caused a crisis with India. That blunder is the kind of blunder that could lead to a situation where we would inevitably be drawn in, not that we could do much to solve the problem. In that place, it is not so easy to have a bombing campaign which would bring whoever is right and wrong, and it is not clear who is right and who is wrong, to the table.

In that situation, there may be two recent nuclear powers, I will not say amateur nuclear powers but they certainly are recent. There is a recent acquisition, recent testing of nuclear bombs. If they start throwing bombs at each other then the atmosphere is polluted, the winds are blowing, who anywhere in the world is going to be safe from the kind of radiation fallout? Who anywhere in the world will be safe from the kinds of things that would permanently be done to the environment as a result of some kind of even a small-scale nuclear war between Pakistan and India?

So we ought to be studying ways to deal with making peace in the world. And Pakistan, India, and Kashmir ought to be one of those places that we are focusing attention on.

We have focused very little of our energy and attention on that region. If the same kind of energy and attention that we focus on the Middle East was focused on that area, we might have gotten close to a solution by now. Not that we have done too much in the Middle East. We just need to do as much to deal with the world's second most populous nation, India, and a very densely populated nation of Pakistan.

There is a territory called Kashmir, and it lies between India and Pakistan. And years ago when I was still in school, India promised that it would allow self-determination for the people of Kashmir. That has been on the agenda for all of these years and still no plebiscite, no vote has been allowed under the supervision of the United Nations or some kind of outside objective observers, which would allow the people of Kashmir to make a determination as to what they want to do, whether they want to become part of India or part of Pakistan, or become independent.

India says, no. The focus of the world is on the gun-happy army of Pakistan. Yes, that is a problem. Pakistan must find a way to control its own military. On the other hand, the situation is exacerbated by the fact that India over these years has refused to allow a plebiscite where the people can vote their own destiny.

We applauded, we were very happy when finally East Timor was allowed to vote and overwhelmingly the people of East Timor voted to be independent. As a result of that, of course, they paid a heavy price because in a very few days the Armed Forces, disguised as guerrillas and local militia, exacted a heavy toll in terms of lives and property; but it went forward. Troops from Australia are there now, and people who like to put down military interventions and say they are never good, I think the people of East Timor, a very small nation of less than 500,000 people, welcomed the entry of the Australian and other troops under the United Nations command to help bring some justice there.

Well, we hope we never have to send troops to Kashmir, and I doubt if it will be so easy to do that. Why are we not working on some peaceful solutions to that problem right now? Why are we not working on peaceful solutions to the problems in a large number of places in the world?

Why do we not spend some money on our peace academy? We have a peace academy. Most people have never heard of it. There is an organization with a very tiny budget that does things in the name of promoting peace. Our peace academy really ought to be as large as our military academies, if we are serious. We have West Point. We have the Naval Academy. We have the Air Force Academy. We have the Coast Guard Academy. We have the War College. We have numerous places where we are still training some of our best minds for war, for old fashioned war, violent war, but we have no places where the Federal Government is investing significant amounts of money to train people for peace.

So I mention this because the folks who are here pressuring to find billions of dollars for the F–22 are off course. They are certainly not listening to the American people. I think if it went to the American people, common sense would set a different agenda. They would say, what is being done to promote peace? How are we investing to promote peace? And that would go forward.

We are not listening, though. We are not listening to those who want to see justice in the world with the least costly means, and that is through a process of peaceful negotiations. In Kosovo, there are some people who have said that it would not have gotten as bad as it was if we had given the peace process, the nonviolent approach, more resources; and they are probably right, but that is a matter of hindsight now. There are a lot of situations in the world where as a matter of foresight we ought to be investing more heavily in peace, but we are not listening.

The Republican majority is not listening to the American people. They are not listening. On the HMO bill of rights, they were not listening. They are not listening on prescription drug benefits. They are not listening on the minimum wage bill.

We have a minimum wage bill now which Members of the House of Representatives have signed a discharge petition for because under normal circumstances we could not get the bill to the floor. Now that large numbers of members have signed and we also know that a considerable number of members of the majority, of the Republican Party, are willing to vote for a minimum wage bill, finally we hear rumors that there is going to be some movement on a bill which would merely raise, merely raise wages from $5.15 an hour to $6.15 an hour in a two-year period, fifty cents a year over a 2-year period.

Considering the fact that we have unprecedented prosperity in this Nation, our CEOs, corporate heads, are making salaries higher than ever before, some of their salaries dwarf the budgets of small countries, we are in a situation where the majority, the Republican majority, will not listen to the American people who say it is only fair, only fair that we increase the minimum wage so that the people on the very bottom are able to begin to make their work count for more.

People who are making minimum wage, a family of four who lives in poverty, they are still below the poverty line at this point if they are making a minimum wage. Let us raise it over a two-year period by one dollar. Republicans have a counterproposal. The leadership of the majority of the Republican Party has not committed themselves, but there are proposals to raise it 25 cents per year over 4 years.

The unprecedented prosperity that we enjoy now is not enough to make them sympathetic toward a 50 cent increase per year, but it appears that finally they are going to listen to the point of yielding to a minimum wage bill being placed on the floor, if they can exact a high price for business. There may be some compromise coming. I think it is important. It is important to people in my district. New York is one of the States with large numbers of people who are still making only the minimum wage, and we need to help those people who are working get better rewards for their work.

The welfare reform bill is coming to a point now where the limits are going to be kicking in, and more people are going to be thrown off welfare, certainly some mothers of young children, and they need to have jobs out there that at least pay $6.15 an hour instead of $5.15 an hour. The Republicans are not listening, but I think we have reached the 80 percent point, at least 80 percent of the American people are saying we think that it is only fair that there be an increase in the minimum wage.

What the Republicans are proposing in the area of programs that help the people on the bottom the most are across the board cuts at this point. We have the appropriations process, which is creeping forward.

I said this, this first year of the 106th Congress, is a tragic comedy. It is tragic that certain vital things are not getting done. It is a comedy to see the kinds of proposals that keep popping up that they expect us to take seriously. Even the Republican candidate for President has stated that he does not want to be identified with certain proposals that have been made recently. One proposal to cut off the lump sum payment of the wage extension that people get as a result of having worked and not making enough money, they now want to cut that into 12 parts and pay it out on a monthly basis instead of the earned income tax credit being paid in a lump sum at one time. I think the reaction of the Republican candidate for President was he does not want to be any part of an action which attempts to balance the budget on the backs of the poor. I applaud his candor, and I applaud his truthfulness, but that only led to another absurd and very harmful proposal by the Republican majority.

Now they are proposing across the board cuts. Let us cut everything drastically. The Health and Human Services bill, which contains most of the programs that benefit the poorest people in America, that was being targeted as the last bill to come out of appropriations, where the highest amounts of cuts will be made. Now they are getting a little more generous and saying we are not going to just make them bear the brunt of the burden. We will have it across the board and all the appropriations bill will be cut and let everybody suffer. At a point in history where we have the greatest prosperity this Nation has ever known, we want to go to the American people and say, we are going to cut title I; we are going to cut Head Start. We are going to cut food stamps; we are going to cut aid to college students. The Pell grants and student work programs, we are going to cut. We are going to cut and say with a straight face that we are being responsible. This is responsible because we need the money in order to put it into a pot for a tax cut, a tax cut for people who are working and earning sizable amounts of money.

Most of the tax cuts, the greatest benefit of the tax cuts, would go to the richest people in America. That is responsible. That is listening to the American people.

The fact that the polls show that most people have used their common sense and said, look, this tax cut does not make sense, the people who need it most are not getting it, the people who need it least are getting the most, why do we need this kind of tax cut? I am in

favor of a tax cut. I am in favor of a tax cut, but we ought to start at the bottom and cut the payroll taxes on the poorest people in America.

The biggest increases in taxes over the last decade has been in the payroll taxes, Social Security, and the taxes of Medicare, the taxes that have been imposed on everybody, and poor people have paid the biggest increases. So let us start there and cut the payroll tax first, and then come up and cut the people at the lowest income levels first and keep going so we can give the middle class, which probably suffer the most, because they have enough money to really place them in jeopardy in terms of unfair taxation but not enough to be able to benefit from all the loopholes and the corporate giveaways so they suffer the most. The middle class needs some relief, but that is not the way the Republican majority proposes to handle the tax cut.

After they have across the board cuts, their tax cut will not give the money to the majority of the people in America in any kind of significant way. So they are not listening. They are not listening.

Eighty percent of the people say this tax cut proposal is no good, but they are not listening. When it comes to education and school construction, that is a high priority. The American people keep demanding it. I have been on the floor time and time again saying that the people want more Federal assistance for education. They want more government involvement at every level. Whether we are talking about the State government or the city government or the Federal Government, they want more government.

My people in my district need help. They are tired of situations where the children have to eat lunch at 10:00 in the morning because the school is so overcrowded, and most of the schools in my district there are twice as many students as the school was built for so it is overcrowded from the time they come in in the morning to the time they leave, and the lunchroom cycle has to be arranged so that the lunchroom is not overloaded at any one time. That means that some schools have to have three and four lunch periods. If they have to have three and four lunch periods in order to get the kids in there safely and out, then they have to start having lunch in some cases at 10:00 in the morning. That is child abuse. To make a child eat lunch at 10:00 in the morning is child abuse, but it is going on in large numbers of schools because they see no way out.

In the same schools, there are some students being taught in the hallways, some being taught in closets. There are situations where the President's proposed bill to give money for more teachers at the lower grades cannot help us because of the fact that if they get more teachers, they do not have a way to reduce the classroom size because there are no classes. In a first grade class, one teacher cannot be put in one corner of the room and another teacher in the other corner of the room and expect to have any productive teaching taking place. It will not happen. So as we get more teachers in order to reduce the size of the classes, they need more classrooms.

It goes on and on and the public says, look, we are tired of it. We want more done about education, and we want specifically to have something done about school construction, school infrastructure, school repair, school wiring, things related to the physical infrastructure.

I have been saying this for some time so I guess my credibility in this House would not be that great because one might say I am prejudiced, I am locked into a position. Let us look at the polls that all of us politicians respect.

□ 2200

The ABC News, Washington Post poll released on September 5, 1999 says the following: Support for education over tax cuts. We find that improving education and the schools will be very important to 79 percent of Americans when choosing the President next year more than any other issue, more than any other issue. Only 44 percent say cutting taxes is very important, making it 14th out of 15 issues.

Do my colleagues want to know what the 15 issues are? The top five issues, according to the ABC News, Washington Post poll released on September 5, 1999 is, one, improving education, 79 percent rank education as the number one issue; handling the economy, 74 percent; managing the budget, 74 percent; handling crime, 71 percent; protecting Social Security, 68 percent.

Now, the fact that any one of these made the top five is such that I would not quibble about which is most important, first place or third place or fifth place. Those are top five. Education is always in the top five for the last 5 years. Sometimes it trades places with Social Security and sometimes with crime. Education has always been there. In this poll, 79 percent say improving education is the top issue.

What are the lower five of these 15, they are still important issues: Helping the middle class, 61 percent. Handling gun control, 56 percent. Still over the majority feel that handling gun control is important. Handling foreign affairs, 54 percent. Still over a majority, over the 50 percent. Cutting taxes, below the 50 percent. Only 44 percent are interested in cutting taxes.

Campaign finance reform, 30 percent. I am sorry to see that campaign finance reform is down there so low, but to make the top 15 is important considering this Nation has more than 250 million people, and all the opinions of different problems and issues to make the top 15 is important. Campaign finance reform is one of the those issues where I think we elected officials, Members of Congress, and others have to move public opinion. We have to explain to the people. We have to use our own set of principles and our own values to help guide public opinion into realization of how dangerous it is not to have campaign finance reform and to have money play such a great role in our democracy.

Let me just go a little further on this education issue. When we take the education issue and break it down into parts, the polls show that 80 percent of Americans support at least three education priorities. What are those three priorities? Fixing rundown schools. Ninety-two percent favor fixing rundown schools, 92 percent. Only 7 percent opposed, and 1 percent says they do not know. Let me just say that again. Fixing rundown schools, 92 percent favor, and only 7 percent oppose.

Are we listening? Is the Republican majority listening? Is the Democrat minority listening? Are our Democratic leaders listening? Is the White House listening?

We do not have in this Congress adequate proposals to address the fact that 92 percent of our people say fixing rundown schools is a top priority. Eighty-six percent say that reducing class sizes is a top priority; 86 percent favor, 13 percent oppose, 1 percent says they do not know. But reducing class sizes, 86 percent favor and 13 percent oppose.

Placing more computers in the classroom 81 percent favor, 16 percent oppose, 2 percent do not know. A lot of people will say, well, that is a luxury, computers in the classroom, hookup with the Internet, all this stuff. We need pencils and papers. We need chalk. We have got to stay with the basics.

Well, I think the common sense of the American people have run off and left Members of Congress who think that computers, educational technology, hookups with the Internet, all that is not vital to the education of children in 1999 who are going to be in a cyber-civilization tomorrow. They are going to have to take jobs in a world where, if one cannot use computers and use them effectively, there is very little hope for one ever having the opportunity to make a decent living.

So placing more computers in the classroom is of vital importance. The common sense of the American people has sensed this. Instincts have told them that this is important.

We are privy to all kinds of studies. We know, as Members of Congress, that we are considering another bill to bring in people from outside the country who would fill the jobs and information technology because we have so many vacancies. There is so much pressure from industry here in this country to get more people from the outside to take these jobs. We know that. Most people out there do not know that.

But their instincts tell them, their observations at a very low level, without all the benefits of the staff and the studies that we have, say that computers in the classroom are important.

In other words, 80 percent of Americans support at least three education priorities: fixing rundown schools, reducing class sizes, placing more computers in the classroom.

I think I have just begun to tell my colleagues that the three are inseparable. If we do not fix rundown schools, if we do not create more space, if we do not allow funding for schools to be able to wire for the Internet, and, in many cases, the wiring in the walls will not take, and they have to be rewired, in many cases they have asbestos problems, and that has to be taken care of as a construction issue. So fixing rundown schools is vital in order to be able to put more computers in the classroom.

Fixing rundown schools, of course, is obviously vital if we are going to reduce class sizes. In the places where the children have the greatest amount of problems with reading, and where we want to reduce class size in order to be able to give the early teachers the elementary grades, a chance to be able to help kids more, to learn to read, to establish the basic fundamentals that allow them to be successful in school, in those places, they have the worst physical plants, the worst infrastructures. They do not have any classes. They need more classes before they can have reductions in class sizes.

We are not talking in New York City this fall about the tremendous shortage of classrooms and the overcrowding. We talked about it last year and the year before. Now the silence is such that one thinks the problem has been solved and resolved. It has not.

There is more overcrowding now because there is a great increase in the number of students that have gone into the schools. There is more overcrowding now because children are being held back on the policy of no social promotion.

Some children, of course, last year had to go to summer school and had to attend summer school in buildings that were so hot that it was torture for young kids to be in those buildings during the summer because they have no air conditioning, and they have very poor ventilation. Then they found out some of those same kids should not have had to be there because they had passed the necessary tests, and they did not need to go to summer school in order to qualify for advancement to the next grade. There had been an error, an error in the calculation of the test, to show us how blunders place children at risk and make them suffer.

The private sector I think was involved in that testing blunder as well as the board of education. But let us put that aside for a moment and consider the fact that there is silence in New York City, a city that had $2 billion in surplus last year and did not spend a penny to help renovate, repair, help building those schools. Not a penny of that surplus went into the schools.

There was silence at the State level. The State had a $2 billion surplus, and the Governor vetoed a bill which called for $500 million to help repair schools.

The burden should not only be on the shoulder of the Federal Government. We need movement on the Federal Government because, in the process of having the Federal Government move, we hope to stimulate and drag along other levels of government in this process of getting schools built.

Why do I think it is so important? Because, as I said many times before, in any religion, the state of the temple, the church, or the synagogue, the way the physical building looks is the beginning of the assessment of the way people feel about that religion. If it is a dilapidated, rundown, neglected building, then nobody is going to take the parishioners seriously about their religion and the way they feel about it, because that symbolism, that highly visible statement of how one feels is there.

When one does not take care of school buildings, one sends a message to parents in my community and certainly in inner city communities across the country that we have abandoned the schools. That is almost true. The major leaders of America, the people who are in the power structure, have abandoned public schools in their heads already. Many have overtly done it. Others do not realize yet, but the way they behave, their hesitation, their neglect, their sins of omission means that they have abandoned public schools already. Because if one does not move to build and rebuild the physical infrastructure, then all hope is lost.

□ 2215

Parents have no hope when they hear the rhetoric of the Department of Education, of the White House, or the Congress or any Member of the Congress. They hear the rhetoric, but they see the schools collapsing. They see the schools have leaky roofs, crumbling walls. They see the schools have coal burning furnaces. There are still more than 200 schools in New York City that are burning coal and jeopardizing the healthy kids immediately and causing respiratory illnesses among teachers.

When though see these things happening, they are correct in not believing that elected officials are serious about maintaining the public school system. Is it any wonder, then, that so many inner city parents, white and black, and certainly a large number of black parents, are opting to support vouchers, more than 50 percent in certain surveys.

In a survey that was taken last year, 57 percent of black parents in inner city communities said that they would certainly support vouchers in order to get their kids a decent education. They did not have any faith left in the public school system. That is most unfortunate, but that is a truth I have to stand here and admit.

They have given up hope because they realize that their child only has one life and they only go through the process of being educated one time and they cannot afford to wait any longer. They are desperate. But in their desperation, they are turning to a system which will also disappoint them, because all we have done is create a hope in a false institution that does not exist. The private sector cannot handle the millions of youngsters in public schools who need help.

There is a large scholarship program that was developed by some millionaires in New York and they put up large amounts of money and a thousand youngsters could be provided with a scholarship which allowed them to go to a private school of their choice. The money that they got as a scholarship would pay half of it.

Thousands and thousands are on the waiting list because there are no schools to accommodate all of those young people. There are no private schools that can accommodate it. It would take 20 or 30 years to build a private school system that could accommodate the 53 million children who now go to public schools in America.

It is not an answer to the problem. And the parents who have given up hope are only going to have their hopes dashed greatly as a result of this illusion that is being created by people who wanted to destroy public schools to make a point and to prove that the private sector can do it better.

If they lose a generation, they are so cold hearted that they do not particularly care what happens to that generation. But that is about what we are facing. A generation will be lost while we try to get in place a private school system to replace a public school system which now takes care of 53 million students.

It is most unfortunate. I can only close with the same message that I have brought here before many times. Both parties are negligent in focusing on the principal problem with the education improvement effort. Kids must be provided with an opportunity to learn. As we try to raise standards, as we standardize curriculums, we need to focus on the students themselves and provide them with the maximum opportunity to learn.

At the heart of the opportunity to learn is a physical facility. We need a physical facility which can support the opportunity to learn. They need a decent library. They need decent laboratories. They need a clean, safe environment conducive to learning. We cannot go forward unless we address the issue of school construction, school repair, school modernization.

The bills that we are supporting in the Democratic Caucus is a bill that I have my name on as a cosponsor is totally inadequate. It is a bill to sell bonds and the Federal Government will pay the interest. It is a commitment of the Federal Government over a 5-year period to $3.7 billion for the school construction situation under a situation where each locality or State will have

to vote to borrow money and we will pay the interest on the principal. That is totally inadequate.

As would he go into a cyber-civilization, I strongly advise, urge, and plead that all elected officials understand that what would he need is an omnibus cyber-civilization education program to guarantee that the brain power and the leadership needed for our present and our expanding future digitalized economy and high-tech world will be there.

At the heart of such a comprehensive initiative, we must set the all-important revitalization of the physical infrastructure of America's schools. These necessary brick and mortar creations will long endure as symbols of this particular set of leadership's commitment to education. It will also serve as practical vehicles for the delivery of a kind of high-tech education required in the 21st century.

All of the most brilliant and visionary education achievements of the Clinton administration may be merged and focused through these vital and physical edifices. We have had a net day movement for the volunteer wiring of schools. We had the technology literacy legislation, the community technology centers, the distance learning projects, and the widely celebrated and appreciated E-rate for telecommunications.

The lifting of standards, the improvement of school curriculums, and the support for smaller class sizes are also initiatives that require the additional classrooms and expanded libraries and laboratories that school modernization will bring.

We are not listening to the majority of Americans. The Republican majority is not listening, and too many other people in other places also are not listening. We need to listen on all of these vital issues, whether it is the HMO bill of rights, prescription drug benefits, minimum wage, the need to fund HHS right across the board with increases instead of decreases, or school construction.

All of these are areas where leadership is needed, where the demands right now in a time of great prosperity and peace are that we lay the foundation for a cyber-civilization, and we do that with an education program that is across the board seeking to improve education but starting with the all-important area of construction of new schools.

IMPACT OF ILLEGAL NARCOTICS IN AMERICA

The SPEAKER pro tempore (Mr. TANCREDO). Under the Speaker's announced policy of January 6, 1999, the gentleman from Florida (Mr. MICA) is recognized for 60 minutes as the designee of the majority leader.

Mr. MICA. Mr. Speaker, I am pleased to come to the floor again tonight to talk about the issue of illegal narcotics and its impact upon the United States of America.

As I begin my remarks tonight, I want to take a moment and pay special tribute to a gentleman who I have had the honor and privilege of knowing from my district in Central Florida. That individual is E. William Crotty, and he is affectionately known to all of us who are friends of Bill Crotty as Bill Crotty.

He had the distinction of being appointed the ambassador to seven Caribbean nations by President Clinton last November and has been in that position until his death just a few days ago.

To his family, we want to extend our deepest condolences, extend our sympathy to his wife Valerie and his children and his relatives.

I have known Bill Crotty for many years. I happen to be a Republican. I am actually in a family dominated by some pretty prominent Democrats. Bill Crotty was a Democrat's Democrat. But although he and I sometimes differed on political parties, we agreed more often on the need to serve our community, to serve our State, and to serve our Nation.

The untimely death of Bill Crotty this week has left our community with a great void. It has left the Democrat party with a tremendous loss. He was one of the largest sources of support, financial assistance, and dedication for the Democrat party of any individual I know in the United States.

He took on every challenge with a great energy particularly in support of his party and his candidates and also, as I said, in the best interest of his community, State, and Nation.

He was appointed United States ambassador to the Caribbean nations of Barbados, Antigua, Barbuda, Dominica, St. Lucia, Grenada, Saint Kitts, Nevis, and St. Vincent, and the Grenadines.

Since he assumed that post, I had the honor and privilege of talking with Bill Crotty and working with him. We both had a common interest in that region; and that was to bring stability, to bring economic development and trade to that area of the Caribbean.

One of our mutual concerns was the problem of illegal narcotics. Just some weeks ago, Bill had written me and sent me these letters and clips and he said, ''Dear John, enclosed please find an article that appeared in the July 23rd edition of the Grenada Today. The article discusses deportees, but the thrust is drug trafficking.''

He goes on to discuss the possibility of our visiting with a delegation and meeting with leaders in the Caribbean to help them in their efforts to combat illegal narcotics. He closed by saying, ''It will be a real honor for my wife and I to host you and your delegation. I will send you additional materials I think may interest you concerning drug trafficking and Caribbean matters.''

Again, just recently discussing with Bill Crotty, our ambassador, this particular situation we face in the Caribbeans on illegal narcotics, I have an article that was published just before his death that spoke of Bill Crotty's determination to make a difference in the post in which he was appointed to serve. The article from the Daytona Beach News Journal in Central Florida said, for example, ''He delivered a state-of-the-art Fairchild C–26 aircraft from the United States Government to Barbados. Prime Minister Owen Arthur was the recipient and received this as part of an $11 million support package to the regional security system in the Caribbean to help fight drug trafficking.''

We have lost with the death of Bill Crotty, again, an individual who was dedicated to his community, to his party, and also an ally with me in the war against illegal narcotics. His untimely death again leaves us all at a loss. But we do want to extend our very deepest sympathy to his family who now have grief as Bill has left us. Again, Mr. Speaker, we pay tribute tonight to E. William Crotty, United States Ambassador.

When I speak on the floor of the House every Tuesday night and get an opportunity, I like to talk about some of the items in the news and I led tonight with the obituary of a good friend and dedicated American. But it appears to me that almost every time anyone picks up a newspaper or turns on the television or hears some media report, that individual in the United States or in any of our communities hears more and more about the effects of illegal narcotics.

Leading the news this week was the death in Laramie, Wyoming, of a young, gay man who was beaten to death by several individuals. Some have referred to it as a hate crime.

No matter how it is referred to, it was a horrible incident. And I know the State of Wyoming and many people in the community of Laramie, Wyoming, are saddened by that occurrence in their community and that tragic death.

☐ 2230

What captured my imagination and attention, again dealing with the question of illegal narcotics as chairman of the Subcommittee on Criminal Justice and Drug Policy, is the headline that said ''Shepard-Death Defendant to Claim Impairment.'' This is the headline in Tuesday, October 12 Washington Times. The first paragraph says, ''Laramie, Wyoming. The attorney for a man charged with beating college student Matthew Shepard to death said yesterday his client's judgment was clouded by drugs and alcohol.''

Again even as we face the most tragic events of our time that are publicized in the media, we look at some of the root problems beyond hate, beyond theft and robbery, beyond other charges that have been alleged, and we see drugs and alcohol and substance abuse as possibly the root cause of these crimes. Again, this entire area of illegal narcotics and substance abuse has taken its toll across our Nation.

Last week, I reported the most recent statistics indicate that over 5,200 Americans died last year from drug-induced deaths. I do not think Matthew Shepard's death will be counted in those statistics as I have cited many others who have died as the result of someone being involved with illegal narcotics. But the toll continues to rise and rise. In addition to the deaths, we have the incarceration of 1.8 million, close to 2 million total Americans in our jails, our prisons. Our judiciary system is clogged at tremendous expense to the taxpayer with people who have committed serious felonies, crimes, robberies, murders and other illegal acts either under the influence of illegal narcotics or in dealing with illegal narcotics. The toll from illegal drugs in our country continues to rise.

Also in the news, relating to illegal narcotics, is a debate that has really tied up the other body, the United States Senate, and the House of Representatives with several pieces of legislation. As my colleagues may know, the President has vetoed the D.C. appropriations measure. One of the provisions in that particular bill does restrict needle exchange programs. It is now one of the problem areas that the House of Representatives and Congress, the other body, find ourselves in conflict with the administration. They want to promote these needle exchanges. It has caused the veto in part of this particular bill relating to funding D.C. government. The Congress is also embroiled in a battle to fund several major departments. One of the largest bills that we will face in Congress is the education, labor and human services bill, HHS bill as we refer to it. Recently, the other body struck a provision that would have allowed the Department of Health and Human Services Secretary to create a clean needle exchange program for drug users. In some of the debates on that, one of the quotes that struck me was ''giving an addict a clean needle is like giving an alcoholic a clean glass,'' said one of the sponsors of that legislation in the other body.

What was also interesting is a study that was referred to. I have not read all the details of this study and I have used the example of Baltimore which has had a very liberal policy and needle exchange program and which has, I believe, since 1989 increased its addiction level some five or six times. As it was reported and I cited and quoted a member of the Baltimore city council who said one out of eight citizens in the city of Baltimore is now a heroin addict. Part of this, we can trace back to the needle exchange program. But this quote in the Washington Times from last Friday says that ''we have proved beyond a reasonable doubt that needle exchange programs increase the rate of HIV infection and the use of drugs.''

Cited in this article is a Vancouver, British Columbia case where the number of drug-related overdoses has increased fivefold since 1988, the year the city began its own free needle exchange program. In Canada, we have an example of when you have a liberalized policy and needle exchange program, the statistics also prove that needle exchange programs actually increase the rate of HIV infection according to this report. Again in Canada and a city like Baltimore, we have seen a dramatic increase in the rise of addicts as we see a more liberalized policy.

Also in the news is a report from the Boston Globe that I thought I would mention tonight. This is a story that we all heard a great deal about some years ago and that was the death of the top Boston Celtics draft pick, Len Bias. His death occurred some 13 years ago. It was a cocaine-related overdose death. Federal prosecutors for the first time in Massachusetts said yesterday that the law bearing Len Bias' name will be used to charge an alleged drug dealer with the overdose of a customer. Again, this report is from just last Friday.

Alarmed by high levels of heroin purity and an acute statewide overdose problem, United States Attorney Donald K. Stern said Federal and State prosecutors are preparing to bring more cases under the statute. Called the Len Bias Law, it was passed by Congress amid the uproar surrounding the University of Maryland basketball star's death in 1986. It levies stiff Federal penalties on drug dealers whose sales can be directly tied to fatal overdoses. A drug dealer is looking at a maximum of a 20-year prison term on State manslaughter charges.

This is the quote by Mr. Stern who is the U.S. Attorney there. He said that those individuals would face a minimum 20-year sentence in Federal court and the possibility of life without parole under the Len Bias Law.

''One such dealer,'' Stern said, ''was 61-year-old Anibal Soler of Holyoke. Solo was charged with selling Edward Thompson of Chicopee a fatal dose of heroin that officials say was 72 percent pure. High purity heroin can be deadly if users are expecting a less potent dose and take too much.''

One of the things that I have tried to point out here and that we have pointed out in our subcommittee hearings and testimony we have had from medical experts is that the heroin and cocaine and some of the other narcotics that we see today are not the same purity level as the cocaine and heroin we saw in the 1970s and 1980s. This particular case had a 72 percent purity. Back in the 1970s and 1980s, they were looking at 5, 6, 7 percent pure heroin. This ends up by saying that high purity heroin can be deadly if users are expecting a less potent dose and take too much.

That is exactly what is happening. We have a flood of high purity heroin, high purity cocaine and other designer drugs that are potentially fatal in very small doses. That is why we are seeing in my community, in central Florida, for example, we have had over 60 heroin overdoses. In fact, in central Florida, a headline is blurted out that overdoses from drugs now exceed homicides in central Florida.

What is particularly disturbing is our young people in particular are falling victim to these overdoses and fatalities and they do not realize that this high purity illegal narcotic that is available in our streets and in our communities is so deadly and so potent.

To deal with some of the problems we have had, I have got a news story from the Washington Times but it is actually a story on what has happened in Florida. I had the opportunity earlier this fall to meet with the governor and also his new drug czar, Jim McDonough, in Orlando on one of the occasions in which a daylong kickoff was celebrated to start a statewide antinarcotics program. It is a multifaceted program which encompasses prevention, education, enforcement, treatment, a whole array and a whole attack on the illegal narcotics problem that we face not only in central Florida but across Florida.

Our governor, Jeb Bush, has done an incredible job in bringing together the State, first in a statewide coordinated meeting in the capital, Tallahassee, earlier this year, with the President of the Florida Senate, Toni Jennings, and the Speaker of the Florida House, John Thrasher, in a joint conference and effort to bring together all of the most knowledgeable people on the illegal narcotics problem, a summit that has produced results. Part of the results was this kickoff. The governor said he would adopt a plan of action, institute a drug czar's office, which he has done, and Jim McDonough, who is a former deputy national drug czar, is now heading up that post. They have discussed a plan, they have developed a plan, they have announced a plan and I am pleased that Jeb Bush and other leaders in our State are now executing a plan.

The headline here on Friday reads, ''Florida Raids on Raves Result in 1,219 Arrests.'' If you do illegal drugs in Florida, we are going to go after you. The governor has made this commitment. I have made the commitment. We have established through central Florida, from Tampa now through Orlando and up almost to Jacksonville, and we will be including Jacksonville, a HIDTA, that is a high intensity drug traffic area. We also have one in Florida. These are designations by Federal law that take every possible law enforcement resource and other resources, local and State, combined with Federal agencies in an effort to combat illegal narcotics. We are going after individuals who deal in death caused by illegal narcotics.

This particular article says that statewide raids on all-night dance parties, known as raves, resulted in 1,219 arrests and the seizure of nearly $9.4 million in drugs, cash, weapons and vehicles. The raids, which were dubbed ''Operation Heat Rave,'' were in response to six rave-related drug deaths around the State, including two this summer, according to State drug czar Jim McDonough.

Jim McDonough is quoted as follows: ''Had this been a roller coaster ride and we had had six dead, there would have been a major outcry to close down the theme park until we could do something about that roller coaster ride.''

□ 2245

I think Jim McDonough states here that people would be outraged if, in any other instance, there were that many young people killed.

In this raid across the State, State and local law enforcement officers moved against 57 businesses in 21 counties from September 29 through October 4. Officers seized more than 15 kilograms of cocaine, more than 500 pounds of marijuana, and smaller quantities of heroin and methamphetamines. They also seized designer drugs, Ecstacy, GHP, and other drugs such as the rape drugs. So it is nice to see people in public office who set out a plan and then execute a plan and follow through with their commitments, and I am pleased that Governor Jeb Bush and others in our State are following through. Again, part of the news.

Also, I wanted to call to the attention of my colleagues and the entire Congress a little game that is being played on the question of certification, drug certification. Having been involved in the passing and actually authorship of the United States drug decertification law, I know a little bit about how it was set up to work and how it should work.

This article talks about what I consider sort of a little attempt to undermine the United States drug decertification law. Let me read a little bit about it. It is from the Oppenheimer Report and it was published in the Miami Herald. It said, ''At a September 2nd meeting in Ottawa, the 34 Nation Organization of American States approved a plan supported by the Clinton administration,'' now that concerns me, ''to create a multinational evaluation system which the OAS,'' Organization of American States, ''hopes will eventually replace the controversial U.S. score board.''

I am very disturbed that the Clinton administration would want to do away with our drug decertification law. I am concerned that, first of all, they have misapplied the law.

The drug decertification law is a simple law. It says that any Nation who wishes to receive benefits of the United States, foreign aid, foreign assistance, trade assistance, trade benefits, international financial assistance from the United States, any Nation who receives the largesse of the United States is asked to cooperate with the United States in an effort to eliminate either the production or trafficking of illegal narcotics. It is a simple law. Every year, the President must send to the Congress a list of those countries whether or not they are assisting the United States, an evaluation is made whether they are assisting the United States through stopping illegal narcotics, either in their country or the production in their country or trafficking in their country. It is a simple law. We give them our benefits.

Now, why in the world would we want to transfer to other nations an evaluation process that allows people to have benefits such as foreign aid, financial assistance, trade assistance? Why would we want to give that evaluation ability to some international body or to others? The Clinton administration has misapplied the decertification. They decertified Colombia, and they should have allowed for a national interest waiver, even though they felt Colombia was not properly cooperating, but they had problems with this administration; had problems with Colombia's human rights operations and attitudes and actions, and instead, they decertified Colombia without what we provided in the law, which was a national interest waiver, a United States national interest waiver to allow us to continue to assist in one specific area, and that would be the fight against illegal narcotics. And because of that misapplication of a very good law, we, in fact, have an incredible production of illegal narcotics from Colombia, and I will try to talk a little bit more about that tonight.

But this is sad that this administration still does not understand why that law was instituted or how that law should be applied. By the same token, they took the decertification law and certified Mexico as cooperating in the war on illegal narcotics. Mexico should have been decertified, but also granted a national interest waiver. So what they have done is made a joke of the law and made the law ineffective.

And now, to circumvent the intent of Congress and the intent of that law, again, if a country is going to receive benefits from the United States, why in the world would we allow some multinational organization to evaluate whether those countries would be eligible? It is our trade benefits, it is our foreign aid, it is our financial assistance. All we ask for is minimal cooperation efforts to curtail illegal narcotics.

So both in the case of Mexico they have distorted the law, and in the case of Colombia they have perverted the law, and now, much to our disadvantage, in Mexico, 50, 60 percent of all illegal narcotics coming into the United States either are transited or are produced in Mexico, and now 60 to 70 percent of the heroin and cocaine is both produced and trafficked from Colombia, a lot of it through Mexico. In 6 years they have managed to make Colombia the largest producer of cocaine and heroin in the world, and the largest supplier to the United States. Talk about a messed up policy. This is an incredible fiasco and could get worse if we pass on to these other countries this certification responsibility.

I have cited and spent part of my last talk reflecting on some of the comments that Governor Gary Johnson made in a Cato Institute program in Washington, I believe it was, last week. He is the Republican governor of New Mexico. He has advocated legalization and decriminalization of what are now illegal narcotics. I will not get into all of the comments and debate about some of the things he said while he was here; and he has said as governor in regard to this, but I would like to cite a news story that was out in the Associated Press just in the last couple of days that says, ''Albuquerque: A Federal drug agent, head of the FBI in New Mexico and the Otero County sheriff have resigned from a panel that advises Governor Gary Johnson on drugs saying, they are upset by the governor's escalating push for legalized drugs.''

Let me read more from the story, and again, it will not be my quote, but their quote. They are quoted here as saying, ''We can't be running away from the problems,'' said Sandoval County Sheriff Ray Rivera, the Council's chairman. ''I feel like those folks are running away from the problem instead of standing up.'' And this is someone who expressed concern about those who resigned, creating a great debate; and it went on not only here in Washington, but in his own State.

We also have one of the agents who resigned, David Kitchen, agent in charge of the FBI, quoted as saying in his resignation letter, and he noted earlier, he told Johnson he admired his courage in calling for a debate on decriminalization, although Kitchen thought it was sending a false message. Then came Johnson's statement advocating legalized marijuana and heroin. ''Those absolutely stunned me, especially since they came the same day a multiagency task force arrested more than 30 people accused of being part of a drug ring that operated in northern New Mexico for years,'' Kitchen wrote.

Hansen, another one who resigned, in his letter of resignation Tuesday objected to what he said was Johnson's apparent theory that, and I will quote him, ''that since we are not winning the drug war, we should just stop fighting. That position makes a mockery of the dedicated men and women of the Drug Enforcement Administration,'' Hansen wrote. ''Your radical proposal to legalize drugs will only heighten the legitimate fear and foreboding that drug users and their related crimes inspire. One need only look within New Mexico to find prominent and disheartening examples of families and communities devastated by drug use,'' he went on to say.

So there are others that are concerned and also critical of Governor Johnson's position, and I am sure that debate will continue. We have held several hearings in my subcommittee on the question of legalization, decriminalization, and some of the facts we found do not jive exactly with what Governor Gary Johnson of New Mexico has advocated; and again, as I said, that debate and discussion will continue here in the Congress and across the Nation.

Also in the news is another example of a failed policy by this administration that is quite disturbing, and that is an article a few weeks ago here in the Washington Post, Tuesday, September 28 that says, ''Haiti's police accused of lawlessness.'' What is absolutely stunning is after spending $3 billion to $4 billion of American hard-earned taxpayer dollars in Haiti in the so-called nation-building effort, we have ended up now with a case of Haiti having a police force trained under some of those programs financed by the United States as a center for some illegal narcotics activities and drug smuggling in the Caribbean. This particular report in the Washington Post says, ''Created four years ago to usher in a new era of impartial justice, the United States-trained Haitian National Police is grappling with allegations that its officers have been involved in a waive of murders, disappearances of detainees and drug-related crimes and other illegal activities.''

And this is a quote within the story: ''If you are asking me whether I am more concerned about rot in the police than a year ago, the answer is yes,'' said Collin Granderson, Executive Director of an international civilian mission here run by the Organization of American States in the United Nations. We have both human rights concerns and concerns about broader conduct of officers, specifically with respect to criminal activity and particularly drug trafficking. Allegations of police involvement in the drug trade have continued to surface in a country that has become a major transshipment point for cocaine and heroin, both to the United States and from South America. It is absolutely incredible that we would spend billions of taxpayer dollars in a nation-building effort and in these programs to stabilize the judiciary and the police and create a little center of illegal narcotics drug trafficking in Haiti. Again, a failed policy of the Clinton administration.

Tonight I want to talk in addition to some of the news stories and other comments, I want to talk again about what has happened in the United States since 1992, and I have repeatedly said that in 1993 when President Clinton was elected, he basically closed down the war on illegal narcotics, and I have cited very specifically, and we have the programs that deal with illegal narcotics, stopping illegal narcotics coming into the United States, first of all, stopping illegal narcotics at their source.

□ 2300

In 1993 we can see, with a Democrat House, Senate, and White House, basically they slashed and cut in half all of the cost-effective source country programs to stop illegal narcotics at their source, just a dramatic change. We get back to where the Republicans took over the Congress in 1995, and we see us back then, if we take 1992 dollars, we are just about back to that position.

The war on drugs has been basically closed down internationally by the Clinton administration. Not only did we stop the international programs which are so cost-effective, and I have used this chart also before, but the programs as far as enforcement, particularly interdicting illegal narcotics from their source to our borders, again, a dramatic decrease, 1992–1993.

They closed down these programs. They took the military out of the drug war. They took the Coast Guard out. All of the U.S. resources were slashed. Again, back in 1995, with the Republicans taking over, we are beginning to put Humpty-Dumpty together again, and the war on drugs back together again. We are almost back to 1992 level funding.

I have also pointed out what is absolutely dramatic is if we look at illegal drug usage among our 12th graders and our teenagers, this starts in 1989, this chart. We see, if this chart continued towards me, we see this continual decrease of use among our 12th graders of different types of drug use, 30-day and recent, with these different lines here, levels of use continuing to go down.

This would be the Reagan and Bush administration down here. We see dramatic increases here in use among our young people, in drug abuse and use among our young people. This is about the time Clinton appointed Joycelyn Elders, who sent the ''just say maybe'' message, as our chief health officer. It is the time, if we took these other charts and transposed them on here, that we cut the source country programs, so we had this incredible influx of heroin, cocaine, other illegal narcotics coming in, a tremendous increase in supply, decrease in price and availability, and the wrong message being sent. This is exactly what we got.

I had another chart that was done. This is a smaller chart. I do not know if this chart can be seen here. But this is heroin trends in annual percentage. Actually it starts in 1975. We can see how this heroin use, annual use here, starts going down. This is eighth grade through 12th grade. We see it going down here, and then we see it levelling off in the eighties and in the nineties.

Then we come to 1992, the election. We see the change in the drug policy. We see it being closed down, the war on drugs; again, the money being slashed in source country programs, the money being slashed in interdiction, stopping drugs coming into our borders. This is one of the most dramatic charts that I have seen produced, but it shows us going off the charts with illegal narcotics.

Then arrive the Republicans in 1995, and through the leadership of the current Speaker of the House, the gentleman from Illinois (Mr. HASTERT), he chaired the subcommittee and had the responsibility for restoring our national drug policy.

What was interesting, as I served in the Congress during this time, from 1992 when I was elected and the Clinton administration took over to 1995, when we took over, I believe, and I served on the Committee on Government Operations which had that drug policy responsibility and oversight responsibility, there was one hearing. It lasted for about 1 hour. They brought in the drug czar at the time.

Again, this was after they had fired people. There were 120 people working in the drug czar's office. In 1993 they fired about 100 of them and left approximately 20. Again, the results are there in black and white. This is not a partisan issue, these are not partisan statistics. In fact, these charts and statistics, the information is provided by Clinton and U.S. officials under this administration. But it is pretty dramatic, when you close down the war on drugs, when you change the message that is being sent there, when you slash the resources from some of the cost-effective programs.

One of the things they did was they shifted their emphasis almost all to treatment. If we take 1992 and 1993 to 1998, we would see almost a doubling in the amount of money for drug treatment. There is nothing wrong with treatment. Of course we need effective treatment programs. That is the subject of additional hearings and investigation which we will be doing, because if we are spending these huge amounts of money on treatment programs and prevention programs, we want to make certain they are effective. But this is very startling, factual information of what has taken place.

Now, this policy has had some implications. Fifty-one percent of high school students said the drug problem is getting worse. This is in a survey within the last year. For the fourth straight year, both middle and high school students say drugs are their biggest concern.

Also from the most recent survey, for the third straight year, the number of high school teens who report that drugs are used, sold, and kept at their school has risen from 72 percent in 1996 to 78 percent in 1998. Teenage drug use, again, the result of a failed policy. That is pretty evident.

Today 50 percent of teens who smoked marijuana cited their friends as most influential, 30 percent cite themselves as most influential in deciding whether or not to use drugs. At age 13, teenagers get to know other students who use and sell pot, acid, cocaine, or heroin, and learn where to buy these drugs and who to buy them from. Forty-seven percent of our 13-year-olds say their parents have never seriously discussed the dangers of illegal drugs with them. We cannot entirely blame this on government, we have to take responsibility as parents.

But the interesting statistics are, again, what has taken place with a change of Federal policy since 1992. We have almost doubled each year since 1992 the use of illegal narcotics by 12- to 17-year-olds. I have the exact statistics. In 1992, the increase was 5.3 percent. In 1994 it jumped to 8.2 percent. It

was either 9, 10, or 11 percent for every year, an increase.

So from 1992, with the change in the Clinton policy, to 1998, there has been a doubling of illegal narcotics use among our teenagers almost every single year. What should be of concern to all the Members of Congress is that illegal narcotics does affect our young people, but it also affects our minorities.

A 1998 household survey on drug abuse found the percentage of blacks using drugs rose 8.2 percent in 1998 from 5.8 percent in 1993. So our minorities have been the recipients of a great deal of the problems in increases; particularly among, again, our minorities who are using drugs in almost double the statistics before 1993.

☐ 2310

Drug use among Hispanics rose to 6.1 percent from 4.4 percent from 1993 to 1998; another legacy of a change in policy brought about by this administration.

Drug use since 1989 has increased among young adults 18 to 25 to its highest level, and that was in 1998. Drug use among 18 to 25 year olds increased about 10 percent from 1997 to 1998, again startling figures about increases in the use of illegal narcotics, particularly among our young people.

The use of illegal narcotics is not just a problem among our young people. Today about 78 million Americans have used illegal drugs at some point in their lives. Roughly 13.6 million Americans are current users. Right now, marijuana is the most commonly used drug among our Nation's 13.6 million illicit drug users. It has also been recently revealed by another survey that an estimated 4.1 million people met diagnostic criteria for drug dependence on illicit drugs in 1997 and 1998, including 1.1 million use; that is about 25 percent of those who are dependent on illegal drugs are young people between 12 and 17.

Additionally tonight, I wanted to spend a few minutes talking not only about the impact of illegal narcotics, some of the problems that I have cited, but also talk about some of the failures of the Clinton policy as it relates to stopping illegal narcotics coming into our country. As I cited just a few minutes ago, we know where most of the heroin, we know where most of the cocaine, we know where most of the methamphetamines are coming from. They are produced now in Colombia. They transit through Mexico. Mexico has also turned into a producer. Colombia produces 70 percent of all of the heroin. Six years ago it produced almost no heroin. There were almost no poppies grown in Colombia. Again, through the failed policy of this administration, Colombia has mushroomed into the drug producing capital of the world; actual producers of heroin, poppy, the core material. Mexico now is producing 14 percent of the heroin coming into the United States, that was in single digits some 6 or 7 years ago, under the Clinton administration.

Probably 70, 80 percent of all of the illegal narcotics coming into the United States now come in from these two sources. As I cited, these two countries have not properly been dealt with by the United States. We certified Mexico, and Mexico in the last year has had a dramatic, over 50 percent decrease, in seizures of cocaine and dramatic decreases in seizures of heroin, and they were certified as cooperating.

Mexico also promised, and the United States Congress asked Mexico to cooperate with the extradition, according to a 1978 extradition treaty, Mexican nationals who were indicted in the United States and we request their extradition should come back to the United States and fear coming back to the United States for trial on those charges. Not one major Mexican drug lord has been extradited to date. This Congress passed a resolution several years ago asking, in addition to extradition, that Mexico sign a maritime agreement. We know the drugs are coming in across land and around the waters that surround Mexico and the United States. To date, Mexico has not signed a maritime agreement.

We further asked that Mexico allow our handful of DEA agents, law enforcement agents that are working in Mexico, to arm themselves and protect themselves since the death and murder of one of our agents, Kiki Camarena. To date, Mexico still has not complied with that simple request.

We asked that Mexico also enforce laws that it had passed. They passed laws dealing with money laundering and illegal narcotics, and drug trafficking, but they do not enforce it.

Rather than enforce the laws, as our simple request to work with the United States, what Mexico has done has actually become the capital of drug laundering. In fact, the largest drug laundering case in the history of the United States, if not the history of the world, was uncovered in a United States Customs operation which I cited and talked a little bit about in my last talk and this is a bit of the background on Operation Casa Blanca. It was an investigation that was concluded in May of 1998 with the indictment of 109 individuals and three Mexican banks. The undercover operation was the largest sting operation in the United States history. Because there are so many corrupt individuals involved in Mexico law enforcement and government, we did notify the Mexicans of some of what was going on, but not all of what was going on.

After it became known that these individuals were involved at these various levels and that we had this sting operation going on, rather than cooperate with the United States what the Mexican officials did was threaten to arrest United States officials and Customs officials who were involved in this sting operation.

I must say that I am pleased that the United States Customs agency, the Department of Justice, the FBI and others have moved forward. These individuals have been indicted where they are found in the United States. There are several who have fled and several who we requested extradition on who have not been returned to face justice in the United States, but my point here is that this United States Congress, the House of Representatives, asked Mexico to cooperate in stopping illegal narcotics activities and enforcing laws that were put on the books in extradition, which I cited, and some of these other things that I cited, and rather than assist the United States they blocked the United States. Only because of the visit of the President of the United States and because this had gotten so much publicity have they finally backed off.

☐ 2320

But this is the type of lack of cooperation. What is astounding is Mexico has been the recipient of one of the finest and most generous trade agreements of any two Nations, the NAFTA agreement, in which the United States gave very specific trade benefits to Mexico and asked very little in cooperation. We asked for their certification as cooperating and, for these trade benefits, a little bit of assistance in the illegal narcotics problem. What we have gotten basically is sand kicked in our face.

Forty Mexican and Venezuelan bankers, businessmen, and suspected drug cartel members were arrested, and 70 others have been indicted as fugitives. This, again, is something that we have had to deal with ourselves and enforce ourselves without the cooperation of Mexican officials.

It is my hope that we can turn this situation around, that Mexico can become a better partner in fighting illegal narcotics.

I might say that, as I close this evening that Mexico is now becoming the recipient of much of the crime and violence. They have lost several of their States, the Baja peninsula is now lost to narco-traffickers. The Yucatan Peninsula, its Governor fled. He was involved up to his eyeballs in illegal narcotics.

Other States along the United States border and within the heart of Mexico are now on the verge of collapse and being lost to drug traffickers.

Mexico is now the recipient of some of the problems that we have inherited as a neighbor and friend and ally, and we only ask cooperation.

Finally, as we close, it is nice to bring up some of the critical elements of what this administration has done. The positive aspects are the Republican-dominated Congress has restored funds for international programs. We have put back the Coast Guard, the military, and other Federal agencies and are now utilizing every possible resource. We have instituted an education program which is funded with over $190 million plus that amount matched by the private sector on

which, this Thursday, our Subcommittee of Criminal Justice, Drug Policy, and Human Resources will do its first review.

We hope that through education, through interdiction, through source country programs, through prevention and through treatment, through a multifaceted approach, this was started under Ronald Reagan, we can again bring down the problem of illegal narcotics, of drug use among our young people, the death and tragedy that it has caused in so many lives.

With that, Mr. Speaker, I am pleased to conclude my special order tonight on the continuing problem we face as a Congress and the American people with illegal narcotics.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. UNDERWOOD (at the request of Mr. GEPHARDT) for today and the balance of the week on account of official business.

Mr. PASCRELL (at the request of Mr. GEPHARDT) for today on account of official business.

Ms. KILPATRICK (at the request of Mr. GEPHARDT) for today on account of a death in the family.

Mr. ENGLISH (at the request of Mr. ARMEY) for today on account of a transportation delay.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. MCNULTY) to revise and extend their remarks and include extraneous material:)

Mrs. MALONEY of New York, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Mrs. CLAYTON, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

(The following Members (at the request of Mr. UPTON) to revise and extend their remarks and include extraneous material:)

Mrs. JOHNSON of Connecticut, for 5 minutes, October 13.

Mr. BURTON of Indiana, for 5 minutes, October 19.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 1567. An act to designate the United States courthouse located at 223 Broad Street in Albany, Georgia, as the ''C.B. King United States Courthouse''; to the Committee on Transportation and Infrastructure.

S. 1595. An act to designate the United States courthouse at 401 West Washington Street in Phoenix, Arizona, as the ''Sandra Day O'Connor United States Courthouse''; to the Committee on Transportation and Infrastructure.

ADJOURNMENT

Mr. MICA. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 23 minutes p.m.), the House adjourned until tomorrow, Wednesday, October 13, 1999, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

4712. A letter from the Administrator, Food Safety and Inspection Service, Department of Agriculture, transmitting the Department's final rule—Scale Requirements for Accurate Weights, Repairs, Adjustments, and Replacement After Inspection—received October 8, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4713. A letter from the Manager, Federal Crop Insurance Corporation, Department of Agriculture, transmitting the Department's final rule—General Administrative Regulations; Interpretations of Statutory and Regulatory Provisions (RIN: 0563–AB74) received October 5, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4714. A letter from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting the Department's final rule—Avocados Grown in South Florida and Imported Avocados; Revision of the Maturity Requirements for Fresh Avocados [Docket No. FV99–915–2FR] received October 5, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4715. A letter from the Office of the Under Secretary, Department of the Navy, transmitting notification of a decision to study certain functions performed by military and civilian personnel in the Department of the Navy for possible performance by private contractors, pursuant to 10 U.S.C. 2461; to the Committee on Armed Services.

4716. A letter from the Director, Regulations Policy and Management Staff, FDA, Department of Health and Human Services, transmitting the Department's final rule—Food Labeling: Declaration of Ingredients [Docket No. 98P–0968] received October 6, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4717. A letter from the Director, Regulations Policy and Management Staff, FDA, Department of Health and Human Services, transmitting the Department's final rule—Internal Analgesic, Antipyretic, and Antirheumatic Drug Products for Over-the-Counter Human Use; Final Rule for Professional Labeling of Aspirin, Buffered Aspirin, and Aspirin in Combination with Antacid Drug Products; Technical Amendments [Docket No. 77N–094A] received October 6, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4718. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Delaware; 15 Percent Rate of Progress Plan [DE027–1027a; FRL–6453–5] received October 5, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4719. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Texas Redesignation Request and Maintenance Plan for the Collin Country Lead Nonattainment Area [TX–112–1–7421a; FRL–6449–5] received October 5, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4720. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans: Approval of Revisions to the North Carolina State Implementation Plan [NC–083–1–9938a; FRL–6453–8] received October 5, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4721. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Massachusetts: Final Authorization of State Hazardous Waste Management Program Revision [FRL–6454–1] received October 5, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4722. A letter from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Wellsville and Canaseraga, New York) [MM Docket No. 98–207, RM–9408, RM–9497] received October 7, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4723. A letter from the Special Assistatnt to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Choteau, Montana) [MM Docket No. 99–219 RM–9638] (Hubbardston, Michigan) [MM Docket No. 99–80 RM–9493] (Ingram, Texas) [MM Docket No. 99–235 RM–9643] (Parowan, Utah) [MM Docket No. 99–224 RM–9605] (Toquerville, Utah) [MM Docket No. 99–226 RM–9603] (Valier, Montana) [MM Docket No. 99–228 RM–9612] (Washburn, Wisconsin) [MM Docket No. 99–18 RM–9414] (Breckenridge, Texas) [MM Docket No. 99–243 RM–9675] (Alberton, Montana) [MM Docket No. 99–218 RM 9637] Received October 7, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4724. A letter from the Director, Office of Congressional Affairs, Office of Nuclear Reactor Regulation, Nuclear Regulatory Commission, transmitting the Commission's final rule—Changes, Tests, and Experiments (RIN: 3150–AF94) received October 5, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4725. A letter from the Acting Director, Defense Security Cooperation Agency, transmitting notification concerning the Department of the Air Force's proposed Letter(s) of Offer and Acceptance (LOA) to Australia for defense articles and services (Transmittal No. 00–06), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

4726. A letter from the Director, Office of Personnel Management, transmitting the Office's final rule—Prevailing Rate Systems; Redefinition of the Eastern South Dakota and Wyoming Appropriated Fund Wage Areas (RIN: 3206–AI74) received October 5, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

4727. A letter from the Director, Office of Personnel Management, transmitting the Office's final rule—Prevailing Rate Systems; Change in Survey Cycle for the Southwestern Michigan Appropriated Fund Wage

Area (RIN: 3206–AI68) received October 5, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

4728. A letter from the Acting Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Catcher Vessels Using Trawl Gear in the Bering Sea and Aleutian Islands [Docket No. 990304063–9063–01; I.D. 092499K] received October 5, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4729. A letter from the Director, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Northeastern United States; Summer Flounder Fishery [Docket No. 990422103–9209–02; I.D. 090799A] received October 5, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4730. A letter from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Vessels Catching Pollock for Processing by the Inshore Component In the Bering Sea Subarea [Docket No. 990304063–9063–01; I.D. 092899B] received October 5, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4731. A letter from the Acting Director, Office of Sustainable Fisheries Service, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries Off West Coast States in the Western Pacific; Pacific Coast Groundfish Fishery; End of the Primary Season and Resumption of Trip Limits for the Shoreside Whiting Sector [Docket No. 98123133–9127–03; I.D. 091399B] received October 5, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4732. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Rules of Practice, Procedure, and Evidence for Administrative Proceedings of the Coast Guard [USCG–1998–3472] (RIN: 2115–AF59) received October 7, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4733. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Kansas City, MO [Airspace Docket No. 99–ACE–34] received October 7, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4734. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Eurocopter France Model SA–360C, SA–365C, C1, and C2 Helicopters [Docket No. 99–SW–15–AD; Amendment 39–11344; AD 99–21–01] (RIN: 2120–AA64) received October 7, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4735. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Modification of Class E Airspace; Hayward, WI [Airspace Docket No. 99–AGL–40] received October 7, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4736. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Modification of Class E Airspace; Cable Union, WI [Airspace Docket No. 99–AGL–41] received October 7, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4737. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Modification of Class D Airspace; Bellville, IL [Airspace Docket No. 99–AGL–39] received October 7, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4738. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Establishment of Class E Airspace; Mountain Village, AK [Airspace Docket No. 99–AAL–9] received October 7, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4739. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Drawbridge Operation Regulation: Passaic River, NJ [CGD01–99–171] (RIN: 2115–AE47) received October 7, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4740. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—User Fees for Licenses, Certificates of Registry, and Merchant Mariner Documents [USCG–1997–2799] (RIN: 2115–AF49) received October 7, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4741. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Establishment of Class E Airspace; Aniak, AK Establishment of Class E Airspace; St. Mary's, AK [Airspace Docket No. 99–AAL–7] received October 7, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4742. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Establishment of Class E Airspace; Kalskag, AK [Airspcae Docket No. 99–AAL–14] received October 7, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4743. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Revision of Class E Airspace; Georgetown, TX [Airspace Docket No. 99–ASW–18] received October 7, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4744. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Revision of Class E Airspace; Mineral Wells, TX [Airspace Docket No. 99–ASW–20] received October 7, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4745. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Revision of Class E Airspace; Alice, TX [Airspace Docket No. 99–ASW–23] received October 7, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4746. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Revision of Class E Airspace; Falfurrias, TX [Airspace Docket No. 99–ASW–21] received October 7, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4747. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Revision of Class E Airspace; Corpus Christi, TX [Airspace Docket No. 99–ASW–22] received October 7, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4748. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Safety Zone; Chesapeake Bay, Hampton, VA [CGD 05–99–090] (RIN: 2115–AA97) received October 7, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4749. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Safety Zone Regulations; Mile 94.0 to Mile 96.0, Lower Mississippi River, Above Head of Passes [COTP New Orleans, LA Regulation 99–026] (RIN: 2115–AA97) received October 7, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4750. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Drawbridge Operation Regulations; Swannee River, Florida [CGD07–98–054] (RIN: 2115–AE47) received October 7, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4751. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Drawbridge Operating Regulation; Gulf Intercoastal Waterway, Algiers Alternate Route, Louisiana [CGD08–99–057] (RIN: 2115–AE57) received October 7, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4752. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Drawbridge Operation Regulation; Inner Harbor Navigation Canal, LA [CGD08–99–011] (RIN: 2115–AE47) received October 7, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4753. A letter from the Director, Office of Regulations Management, Veterans Health Administration, Department of Veterans Affairs, transmitting the Department's final rule—Enrollment-Provision of Hospital and Outpatient Care to Veterans (RIN: 2900–AJ18) received October 6, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

4754. A letter from the Director, Office of Regulations Management, Veterans Benefits Administration, Department of Veterans Affairs, transmitting the Department's final rule—Returned and Canceled Checks (RIN: 2900–AJ61) received October 6, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. MCCOLLUM: Committee on the Judiciary H.R. 1791. A bill to amend title 18, United States Code, to provide penalties for harming animals used in Federal law enforcement; with an amendment (Rept.

106–372). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Florida: Committee on Appropriations. Report on the Revised Suballocation of Budget Allocations for Fiscal Year 2000 (Rept. 106–373). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Resources. H.R. 795. A bill to provide for the settlement of the water rights claims of the Chippewa Cree Tribe of the Rocky Boy's Reservation, and for other purposes; with an amendment (Rept. 106–374). Referred to the Committee of the Whole House on the State of the Union.

Mrs. MYRICK: Committee on Rules. House Resolution 326. Resolution waiving points of order against the conference report to accompany the bill (H.R. 2561) making appropriations for the Department of Defense for the fiscal year ending September 30, 2000, and for other purposes (Rept. 106–375). Referred to the House Calendar.

Mr. DIAZ-BALART: Committee on Rules. House Resolution 327. Resolution providing for consideration of the bill (H.R. 1993) to reauthorize the Overseas Private Investment Corporation and the Trade and Development Agency, and for other purposes (Rept. 106–376). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. BLAGOJEVICH (for himself, Mrs. MCCARTHY of New York, Mrs. JONES of Ohio, Ms. SCHAKOWSKY, and Mr. NADLER):

H.R. 3057. A bill to amend title 18, United States Code, to prohibit gunrunning, and provide mandatory minimum penalties for crimes related to gunrunning; to the Committee on the Judiciary, and in addition to the Committee on Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FOLEY (for himself and Mr. ACKERMAN):

H.R. 3058. A bill to amend the Immigration and Nationality Act to provide that aliens who commit acts of torture abroad are inadmissible and removable and to establish within the Criminal Division of the Department of Justice an Office of Special Investigations having responsibilities under that Act with respect to all alien participants in acts of genocide and torture abroad; to the Committee on the Judiciary.

By Mr. HEFLEY:

H.R. 3059. A bill to establish a moratorium on bottom trawling and use of other mobile fishing gear on the seabed in certain areas off the coast of the United States; to the Committee on Resources.

By Mr. MCKEON:

H.R. 3060. A bill to prohibit mining on a certain tract of Federal land in Los Angeles County, California, and for other purposes; to the Committee on Resources.

By Mr. SMITH of Texas:

H.R. 3061. A bill to amend the Immigration and Nationality Act to extend for an additional 2 years the period for admission of an alien as a nonimmigrant under section 101(a)(15)(S) of such Act, and to authorize appropriations for the refugee assistance program under chapter 2 of title IV of the Immigration and Nationality Act; to the Committee on the Judiciary.

By Mr. WISE:

H.R. 3062. A bill to provide grants to States for programs for the reemployment of laid off miners in reclamation work; to the Committee on Resources, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GILMAN:

H. Con. Res. 195. Concurrent resolution supporting the transition to democracy in Indonesia; to the Committee on International Relations.

By Mr. EHLERS:

H. Con. Res. 196. Concurrent resolution permitting the use of the rotunda of the Capitol for the presentation of the Congressional Gold Medal to President and Mrs. Gerald R. Ford; to the Committee on House Administration.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 269: Mr. WU.

H.R. 303: Mr. DIAZ-BALART and Mr. WEXLER.

H.R. 306: Mr. SKELTON and Mr. BARCIA.

H.R. 534: Mr. BASS.

H.R. 566: Mr. DINGELL and Ms. PELOSI.

H.R. 745: Mr. MCGOVERN.

H.R. 783: Mr. COMBEST and Mr. KOLBE.

H.R. 797: Mr. TERRY, Mr. HYDE, Mrs. CHRISTENSEN, Mr. COMBEST, Mr. WAXMAN, and Mr. FOLEY.

H.R. 798: Mr. KUCINICH.

H.R. 826: Ms. WOOLSEY.

H.R. 976: Ms. NORTON and Mr. CASTLE.

H.R. 997: Mr. KASICH, Mr. DEAL of Georgia, Mr. RUSH, Mr. RILEY, Mr. GUTIERREZ, Mr. PETRI, Mr. DOOLITTLE, Mr. WATKINS, and Mr. BAKER.

H.R. 1083: Ms. DANNER and Mr. GORDON.

H.R. 1102: Ms. MCCARTHY of Missouri.

H.R. 1221: Mr. BILBRAY.

H.R. 1300: Mr. THOMPSON of Mississippi and Mr. MICA.

H.R. 1355: Ms. MCCARTHY of Missouri.

H.R. 1357: Mr. TOOMEY.

H.R. 1363: Mr. HALL of Texas.

H.R. 1475: Mr. TOWNS.

H.R. 1495: Mr. COYNE.

H.R. 1622: Mrs. CAPPS.

H.R. 1644: Mr. LAHOOD.

H.R. 1798: Mrs. THURMAN.

H.R. 1816: Mr. MORAN of Virginia and Mr. LAFALCE.

H.R. 1860: Mr. STARK, Mr. ROMERO-BARCELO, Mr. BONIOR, and Mr. HINOJOSA.

H.R. 1887: Mr. GREEN of Wisconsin.

H.R. 1899: Mr. CLEMENT, Mr. SKELTON, Ms. MCKINNEY, and Mrs. THURMAN.

H.R. 2002: Mr. LUTHER.

H.R. 2059: Mr. WALSH and Mr. HALL of Texas.

H.R. 2120: Mr. ALLEN.

H.R. 2200: Mr. PICKETT and Mr. GILCHREST.

H.R. 2228: Mr. DEFAZIO and Mr. FARR of California.

H.R. 2298: Mr. GREEN of Texas and Mr. WAXMAN.

H.R. 2308: Ms. DEGETTE.

H.R. 2366: Mr. CANNON, Mr. CONDIT, Mr. VITTER, Mr. SMITH of Texas, and Mr. COMBEST.

H.R. 2418: Mr. MENENDEZ, Mr. SMITH of New Jersey, Mr. ANDREWS, Mr. PASCRELL, Mr. PAYNE, Mr. SAXTON, and Mr. HOLT.

H.R. 2457: Mrs. MALONEY of New York.

H.R. 2492: Mr. WEINER, Mr. CROWLEY, and Mr. SERRANO.

H.R. 2495: Ms. WOOLSEY.

H.R. 2528: Mr. THOMPSON of California.

H.R. 2539: Mr. DREIER.

H.R. 2543: Mr. BURR of North Carolina, Mr. BONIOR, and Mr. LARGENT.

H.R. 2612: Ms. KAPTUR.

H.R. 2631: Ms. ROYBAL-ALLARD and Ms. ESHOO.

H.R. 2640: Mr. BOEHLERT.

H.R. 2659: Ms. EDDIE BERNICE JOHNSON of Texas and Mr. BONIOR.

H.R. 2662: Mr. PAYNE and Ms. LEE.

H.R. 2710: Mr. CUNNINGHAM.

H.R. 2720: Mr. WELLER, Mr. BOUCHER, and Mr. TRAFICANT.

H.R. 2733: Mr. REYES.

H.R. 2735: Mr. CRANE.

H.R. 2741: Mr. CROWLEY.

H.R. 2749: Mr. SMITH of Texas and Mr. WELDON of Florida.

H.R. 2776: Mr. WYNN and Mr. MALONEY of Connecticut.

H.R. 2786: Mr. TOWNS.

H.R. 2856: Mr. SMITH of New Jersey, Mr. LIPINSKI, and Mr. ENGLISH.

H.R. 2890: Mr. THOMPSON of Mississippi and Mr. CAPUANO.

H.R. 2892: Mr. WELDON of Pennsylvania, Mrs. LOWEY, and Mr. BARCIA.

H.R. 2909: Mr. SABO, Mr. MOAKLEY, Mr. CAPUANO, Mr. BORSKI, Mr. HOLDEN, Mrs. MALONEY of New York, Mr. FROST, Ms. PELOSI, and Mr. ROTHMAN.

H.R. 2939: Mr. SANDERS and Mr. CONYERS.

H.R. 2986: Mr. ROYCE.

H.R. 2987: Mr. TALENT and Mr. NETHERCUTT.

H.R. 2999: Mr. WYNN.

H.R. 3028: Mr. SALMON.

H.J. Res. 46: Mr. MCHUGH, Mrs. LOWEY, and Mr. WEINER.

H. Con. Res. 141: Mr. PORTER, Mr. GREENWOOD, Mr. HORN, Mr. POMBO, Mr. ENGEL, Mr. KILDEE, Mr. ROHRABACHER, Mr. DIXON, Mrs. CLAYTON, and Mr. PASTOR.

H. Con. Res. 166: Mr. SAM JOHNSON of Texas.

H. Res. 37: Ms. NORTON, Mrs. MINK of Hawaii, and Mr. FROST.

H. Res. 41: Mr. BARCIA, Mrs. JOHNSON of Connecticut, Mr. MARTINEZ, and Mr. UDALL of New Mexico.

H. Res. 224: Mr. MORAN of Kansas.

H. Res. 238: Mr. CAMP and Mr. WOLF.

H. Res. 269: Mr. SABO.

H. Res. 278: Mr. WALSH, Mr. KLECZKA, Mr. PHELPS, and Mr. MCHUGH.

H. Res. 298: Mr. MENENDEZ, Mr. GILCHREST, Ms. DEGETTE, Mr. ROMERO-BARCELO, Mr. DAVIS of Florida, Ms. WATERS, Mr. HOBSON, Mr. LEWIS of Georgia, Mr. MEEKS of New York, Mrs. MALONEY of New York, and Ms. PELOSI.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 1993

OFFERED BY: MR. GEJDENSON

AMENDMENT NO. 1: Insert the following after section 4 and redesignate succeeding sections, and references thereto, accordingly.

SEC. 4. ENVIRONMENTAL IMPACT OF OPIC PROGRAMS.

(a) ADDITIONAL REQUIREMENTS.—Section 231A of the Foreign Assistance Act of 1961 (22 U.S.C. 2191a) is amended—

(1) by redesignating subsection (b) as subsection (c);

(2) by inserting after subsection (a) the following new subsection:

''(b) ENVIRONMENTAL IMPACT.—

''(1) ENVIRONMENTAL ASSESSMENT OR AUDIT.—The Board of Directors of the Corporation shall not vote in favor of any action proposed to be taken by the Corporation that is likely to have significant adverse environmental impacts that are sensitive, diverse,

or unprecedented, unless for at least 60 days before the date of the vote—

''(A) an environmental impact assessment or initial environmental audit, analyzing the environmental impacts of the proposed action and of alternatives to the proposed action has been completed by the project applicant and made available to the Board of Directors; and

''(B) such assessment or audit has been made available to the public of the United States, locally affected groups in the host country, and host country nongovernmental organizations.

''(2) DISCUSSIONS WITH BOARD MEMBERS.—Prior to any decision by the Corporation regarding insurance, reinsurance, guarantees, or financing for any project, the President of the Corporation or the President's designee shall meet with at least one member of the public who is representative of individuals who have concerns regarding any significant adverse environmental impact of that project.

''(3) CONSIDERATION AT BOARD MEETINGS.—In making its decisions regarding insurance, reinsurance, guarantees, or financing for any project, the Board of Directors shall fully take into account any recommendations made by other interested Federal agencies, interested members of the public, locally affected groups in the host country, and host country nongovernmental organizations with respect to the assessment or audit described in paragraph (1) or any other matter related to the environmental effects of the proposed support to be provided by the Corporation for the project.''; and

(3) in subsection (c), as so redesignated, by striking ''each year'' and inserting ''every 6 months''.

(b) STUDY ON PROCESS FOR OPIC ASSISTANCE.—The Inspector General of the Agency for International Development shall review OPIC's procedures for undertaking to conduct financing, insurance, and reinsurance operations in order to determine whether OPIC receives sufficient information from project applicants, agencies of the United States Government, and members of the public of the United States and other countries on the environmental impact of investments insured, reinsured, or financed by OPIC. Not later than 120 days after the date of the enactment of this Act, the Inspector General shall report to the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate on the results of its review. The report shall include—

(1) recommendations for ways in which the views of the public could be better reflected in OPIC's procedures;

(2) recommendations for what additional information should be required of project applicants; and

(3) recommendations for environmental standards that should be used by OPIC in conducting its financing, insurance, and reinsurance operations.

(c) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect 90 days after the date of the enactment of this Act.

H.R. 1993

OFFERED BY: MR. GEJDENSON

AMENDMENT NO. 2: Insert the following after section 4 and redesignate succeeding sections, and references thereto, accordingly.

SEC. 4. ENVIRONMENTAL IMPACT OF OPIC PROGRAMS.

(a) ADDITIONAL REQUIREMENTS.—Section 231A of the Foreign Assistance Act of 1961 (22 U.S.C. 2191a) is amended—

(1) by redesignating subsection (b) as subsection (c);

(2) by inserting after subsection (a) the following new subsection:

''(b) ENVIRONMENTAL IMPACT.—

''(1) ENVIRONMENTAL ASSESSMENT OR AUDIT.—The Board of Directors of the Corporation shall not vote in favor of any action proposed to be taken by the Corporation that is likely to have significant adverse environmental impacts that are sensitive, diverse, or unprecedented, unless for at least 60 days before the date of the vote—

''(A) an environmental impact assessment or initial environmental audit, analyzing the environmental impacts of the proposed action and of alternatives to the proposed action has been completed by the project applicant and made available to the Board of Directors; and

''(B) such assessment or audit has been made available to the public of the United States, locally affected groups in the host country, and host country nongovernmental organizations.

''(2) CONSIDERATION AT BOARD MEETINGS.—In making its decisions regarding insurance, reinsurance, guarantees, or financing for any project, the Board of Directors shall fully take into account any recommendations made by other interested Federal agencies, interested members of the public, locally affected groups in the host country, and host country nongovernmental organizations with respect to the assessment or audit described in paragraph (1) or any other matter related to the environmental effects of the proposed support to be provided by the Corporation for the project.''; and

(3) in subsection (c), as so redesignated, by striking ''each year'' and inserting ''every 6 months''.

(b) STUDY ON PROCESS FOR OPIC ASSISTANCE.—OPIC shall review its procedures for undertaking to conduct financing, insurance, and reinsurance operations in order to determine whether OPIC receives sufficient information from project applicants, agencies of the United States Government, and members of the public of the United States and other countries on the environmental impact of investments insured, reinsured, or financed by OPIC. Not later than 120 days after the date of the enactment of this Act, OPIC shall report to the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate on the results of its review. The report shall include—

(1) recommendations for ways in which the views of the public could be better reflected in OPIC's procedures;

(2) recommendations for what additional information should be required of project applicants; and

(3) recommendations for environmental standards that should be used by OPIC in conducting its financing, insurance, and reinsurance operations.

(c) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect 90 days after the date of the enactment of this Act.

H.R. 1993

OFFERED BY: MR. GEJDENSON

AMENDMENT NO. 3: Insert the following after section 4 and redesignate succeeding sections, and references thereto, accordingly.

SEC. 4. ENVIRONMENTAL IMPACT OF OPIC PROGRAMS.

(a) ADDITIONAL REQUIREMENTS.—Section 231A of the Foreign Assistance Act of 1961 (22 U.S.C. 2191a) is amended—

(1) by redesignating subsection (b) as subsection (c);

(2) by inserting after subsection (a) the following new subsection:

''(b) ENVIRONMENTAL IMPACT.—

''(1) ENVIRONMENTAL ASSESSMENT OR AUDIT.—The Board of Directors of the Corporation shall not vote in favor of any action proposed to be taken by the Corporation that is likely to have significant adverse environmental impacts that are sensitive, diverse, or unprecedented, unless for at least 60 days before the date of the vote—

''(A) an environmental impact assessment or initial environmental audit, analyzing the environmental impacts of the proposed action and of alternatives to the proposed action has been completed by the project applicant and made available to the Board of Directors; and

''(B) such assessment or audit has been made available to the public of the United States, locally affected groups in the host country, and host country nongovernmental organizations.

''(2) DISCUSSIONS WITH BOARD MEMBERS.—Prior to any decision by the Corporation regarding insurance, reinsurance, guarantees, or financing for any project, a member or members of the Board of Directors shall meet with at least one member of the public who is representative of individuals who have concerns regarding any significant adverse environmental impact of that project.

''(3) CONSIDERATION AT BOARD MEETINGS.—In making its decisions regarding insurance, reinsurance, guarantees, or financing for any project, the Board of Directors shall fully take into account any recommendations made by other interested Federal agencies, interested members of the public, locally affected groups in the host country, and host country nongovernmental organizations with respect to the assessment or audit described in paragraph (1) or any other matter related to the environmental effects of the proposed support to be provided by the Corporation for the project.''; and

(3) in subsection (c), as so redesignated, by striking ''each year'' and inserting ''every 6 months''.

(b) STUDY ON PROCESS FOR OPIC ASSISTANCE.—The Inspector General of the Agency for International Development shall review OPIC's procedures for undertaking to conduct financing, insurance, and reinsurance operations in order to determine whether OPIC receives sufficient information from project applicants, agencies of the United States Government, and members of the public of the United States and other countries on the environmental impact of investments insured, reinsured, or financed by OPIC. Not later than 120 days after the date of the enactment of this Act, the Inspector General shall report to the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate on the results of its review. The report shall include—

(1) recommendations for ways in which the views of the public could be better reflected in OPIC's procedures;

(2) recommendations for what additional information should be required of project applicants; and

(3) recommendations for environmental standards that should be used by OPIC in conducting its financing, insurance, and reinsurance operations.

(c) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect 90 days after the date of the enactment of this Act.

H.R. 1993

OFFERED BY: MR. GILMAN

AMENDMENT NO. 4: Page 11, lines 4 and 5, strike ''minority-owned businesses, focusing on'' and insert ''businesses that, because of their minority ownership, may have been excluded from export trade, and from''.

Page 11, lines 8 and 9, strike ''urban-based and minority-owned'' and insert ''such''.

H.R. 1993

OFFERED BY: MR. ROHRABACHER

AMENDMENT NO. 5: Page 6, add the following after line 25 and redesignate succeeding sections, and references thereto, accordingly.

SEC. 5. ENVIRONMENTAL REQUIREMENTS FOR OPIC.

Section 239(g) of the Foreign Assistance Act of 1961 (21 U.S.C. 2199(g)) is amended—

(1) by inserting ''(1)'' after ''(g)''; and

(2) by adding at the end the following:

''(2) The Corporation shall not issue any contract of insurance or reinsurance, or any guaranty, or enter into any agreement to provide financing for any Category A investment fund project as defined by the Corporation's environmental handbook, or comparable project, unless all relevant environmental impact statements and assessments and initial environmental audits with respect to the project are made available for a public comment period of not less than 60 to 120 days.''.

H.R. 1993

OFFERED BY: MR. ROHRABACHER

AMENDMENT NO. 6: Page 6, add the following after line 25 and redesignate succeeding sections, and references thereto, accordingly.

SEC. 5. PROHIBITION ON OPIC FUNDING FOR FOREIGN MANUFACTURING ENTERPRISES.

Section 231 of the Foreign Assistance Act of 1961 (21 U.S.C. 2191) is amended by adding at the end the following flush sentence:

''In addition, the Corporation shall decline to issue any contract of insurance or reinsurance, or any guaranty, or to enter into any agreement to provide financing for an eligible investor's investment if the investment is to be made in any manufacturing enterprises in a foreign country.''.

H.R. 1993

OFFERED BY: MR. SANFORD

AMENDMENT NO. 7: Page 6, line 23, strike ''Section'' and insert ''(a) IN GENERAL.—Section''.

Page 6, line 25, strike ''2003'' and insert ''2000''.

Page 6, add the following after line 25:

(b) OVERSIGHT HEARINGS.—Prior to considering legislation to authorize issuing authority for OPIC's insurance and financing programs for any fiscal year after fiscal year 2000, the Committee on International Relations of the House of Representatives shall conduct an oversight hearing on the compliance by OPIC with laws, treaties, agreements, general policies, and obligations to which OPIC is subject in the implementation of its programs.

H.R. 1993

OFFERED BY: MR. SANFORD

AMENDMENT NO. 8: Page 6, line 25, strike ''2003'' and insert ''2000''.

H.R. 1993

OFFERED BY: MR. TERRY

AMENDMENT NO. 9: Page 6, insert the following after line 21:

(9) OPIC must address concerns that it does not promptly dispose of legitimate claims brought with respect to projects insured or guaranteed by OPIC. The Congress understands the desire of OPIC to explore all possible arrangements with foreign parties. However, OPIC must be aware that private parties with legitimate claims face financial obligations that cannot be deferred indefinitely.

H.R. 1993

OFFERED BY: MR. TERRY

AMENDMENT NO. 10: Page 6, add the following after line 25, and redesignate succeeding sections, and references thereto, accordingly:

SEC. 5. CLAIMS SETTLEMENT REQUIREMENTS FOR OPIC.

(a) TIME PERIODS FOR RESOLVING CLAIMS.—Section 237(i) of the Foreign Assistance Act of 1961 (22 U.S.C. 2197(i)) is amended—

(1) by inserting ''(1)'' after ''(i)''; and

(2) by adding at the end the following:

''(2) The Corporation shall resolve each claim arising as a result of insurance, reinsurance, or guaranty operations under this title or under predecessor guaranty authority within 90 days after the claim is filed, except that the Corporation may request specific supplemental information on the claim before the expiration of that 90-day period, and in that case may extend the 90-day period for an additional 60 days after receipt of such information.

''(3) The Corporation shall pay interest at the prime rate on any claim for each day after the end of the applicable time period specified in paragraph (2) for settlement of the claim.''.

H.R. 1993

OFFERED BY: MR. TERRY

AMENDMENT NO. 11: Page 6, add the following after line 25, and redesignate succeeding sections, and references thereto, accordingly:

SEC. 5. RESTRICTION ON CONTACTS RELATING TO OPIC CLAIMS SETTLEMENTS.

(a) PUBLICATION OF FEDERAL AGENCY INTERVENTIONS.—Section 237(i) of the Foreign Assistance Act of 1961 (22 U.S.C. 2197(i)) is amended—

(1) by inserting ''(1)'' after ''(i)''; and

(2) by adding at the end the following:

''(2) No other department or agency of the United States, or officer or employee thereof, may intervene in any pending settlement determination on any claim arising as a result of insurance, reinsurance, or guaranty operations under this title or under predecessor guaranty authority unless such intervention is published in the Federal Register.

''(3) The Corporation shall report to the Congress on any intervention, by any other department or agency of the United States, or officer or employee thereof, regarding the timing or settlement of any claim arising as a result of insurance, reinsurance, or guaranty operations under this title or under predecessor guaranty authority. The report shall be submitted within 30 days after the intervention is made.''.

H.R. 1993

OFFERED BY: MR. TRAFICANT

AMENDMENT NO. 12: Page 10, strike line 13 and all that follows through line 24 and insert the following:

(d) REPORTS ON MARKET ACCESS.—

(1) ANNUAL REPORTS.—Not later than 90 days after the date of the enactment of this Act, and annually thereafter, the ITA should submit to the Congress, and make available to the public, a report with respect to those countries selected by the ITA in which goods or services produced or originating in the United States, that would otherwise be competitive in those countries, do not have market access. Each report should contain the following with respect to each such country:

(A) ASSESSMENT OF POTENTIAL MARKET ACCESS.—An assessment of the opportunities that would, but for the lack of market access, be available in the market in that country, for goods and services produced or originating in the United States in those sectors selected by the ITA. In making such assessment, the ITA should consider the competitive position of such goods and services in similarly developed markets in other countries. Such assessment should specify the time periods within which such market access opportunities should reasonably be expected to be obtained.

(B) CRITERIA FOR MEASURING MARKET ACCESS.—Objective criteria for measuring the extent to which those market access opportunities described in subparagraph (A) have been obtained. The development of such objective criteria may include the use of interim objective criteria to measure results on a periodic basis, as appropriate.

(C) COMPLIANCE WITH TRADE AGREEMENTS.—An assessment of whether, and to what extent, the country concerned has materially complied with existing trade agreements between the United States and that country. Such assessment should include specific information on the extent to which United States suppliers have achieved additional access to the market in the country concerned and the extent to which that country has complied with other commitments under such agreements and understandings.

(D) ACTIONS TAKEN BY ITA.—An identification of steps taken by the ITA on behalf of United States companies affected by the lack of market access in that country.

(2) SELECTION OF COUNTRIES AND SECTORS.—

(A) IN GENERAL.—In selecting countries and sectors that are to be the subject of a report under paragraph (1), the ITA should give priority to—

(i) any country with which the United States has a trade deficit if access to the markets in that country is likely to have significant potential to increase exports of United States goods and services; and

(ii) any country, and sectors therein, in which access to the markets will result in significant employment benefits for producers of United States goods and services.

The ITA should also give priority to sectors which represent critical technologies, including those identified by the National Critical Technologies Panel under section 603 of the National Science and Technology Policy, Organization, and Priorities Act of 1976 (42 U.S.C. 6683).

(B) FIRST REPORT.—The first report submitted under paragraph (1) should include those countries with which the United States has a substantial portion of its trade deficit.

(C) TRADE SURPLUS COUNTRIES.—The ITA may include in reports after the first report such countries as the ITA considers appropriate with which the United States has a trade surplus but which are otherwise described in paragraph (1) and subparagraph (A) of this paragraph.

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of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE *106th* CONGRESS, FIRST SESSION

Vol. 145 WASHINGTON, TUESDAY, OCTOBER 12, 1999 *No. 137*

Senate

The Senate met at 9:01 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, today we focus our attention on a question we need to ask every day: Who gets the glory? Our purpose is to glorify You in all we say and do. And yet so often we grasp the glory for ourselves. Help us to turn attention from ourselves to You and openly acknowledge You as the source of our strength. You have taught us that there is no limit to what we can accomplish when we do give You the glory. May our realization that we could not breathe a breath, think a thought, or give leadership without Your blessing, free us from so often seeking recognition. Make us so secure in Your up-building esteem that we are able to build up others with whom we work.

We glorify You, gracious God. We consecrate the decisions of this day, and when the Senators come to the end of the day, may they experience that sublime joy of knowing it was You who received the glory. Amen.

PLEDGE OF ALLEGIANCE

The Honorable CONRAD BURNS, a Senator from the State of Montana, led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RECOGNITION OF THE ACTING MAJORITY LEADER

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

SCHEDULE

Mr. KYL. Mr. President, today the Senate will resume consideration of the Comprehensive Nuclear Test-Ban Treaty, with approximately 6 hours of debate time remaining. As a reminder, the two amendments in order to the treaty must be filed at the desk by 9:45 a.m. today.

By previous consent, at 4:30 p.m. the Senate will resume debate on the conference report to accompany the Agriculture appropriations bill. Following 1 hour of debate, the Senate will proceed to a cloture vote on the conference report. Therefore, the first rollcall vote of the day will occur at approximately 5:30 p.m.

For the information of all Senators, this week will be extremely busy so that action on the CTBT and the Agriculture appropriations conference report can be completed. The Senate will also begin consideration of the campaign finance reform legislation and take up any conference reports available for action. Senators may expect votes throughout the day and into the evening.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

EXECUTIVE SESSION

COMPREHENSIVE NUCLEAR TEST-BAN TREATY

The PRESIDING OFFICER. Under the previous order, the Senate will now go into executive session and resume consideration of Executive Calendar No. 3, which the clerk will report.

The legislative clerk read as follows:

Resolution to Advise and Consent to the Ratification of treaty document No. 105–28, Comprehensive Nuclear Test-Ban Treaty.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Will the Chair inform the two managers what time is remaining for both sides on the debate.

The PRESIDING OFFICER. The Chair advises the Senator from Nevada that the majority has 2 hours 53 minutes; the minority, 3 hours 23 minutes.

Mr. REID. I say to my friends from Arizona and Virginia that we will try to speak now and even out the time.

Mr. President, I give myself such time as I may consume.

We have heard a lot about nuclear testing recently, but no one has experienced nuclear testing as has the State of Nevada. Just a few miles from Las Vegas is the Nevada Test Site. There we have had almost 1,000 tests, some above ground and some below ground. You can travel to the Nevada Test Site now and go and look at these test sites. You can see where the above-ground tests have taken place. You can drive by one place where bleachers are still standing where people—press and others—would come and sit to watch the nuclear tests in the valley below. You can see some of the buildings that still are standing following a nuclear test. You can see large tunnels that are still in existence where scores and scores of tests were set off in the same tunnels. You can go and look at very deep shafts where underground tests were set off.

The State of Nevada understands nuclear testing. At one time, more than 11,000 people were employed in the Nevada desert dealing with nuclear testing. Now, as a result of several administrations making a decision to no longer test nuclear weapons, there are only a little over 2,000 people there. Those 2,000 people are there by virtue of an Executive order saying we have to be ready if tests are deemed necessary in the national interest. So the Nevada Test Site is still there. The people are standing by in case there is a need for the test site to again be used.

The cessation of testing caused the largest percentage reduction of defense-related jobs in any Department of Energy facility. Today, as I indicated,

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there are a little over 2,000 of those jobs.

The State of Nevada is very proud of what we have done for the security of this Nation. Not only have we had the above-ground nuclear tests and the below-ground nuclear tests, but we have Nellis Air Force Base which is the premier fighter training center for the U.S. Air Force—in fact, it is the premier fighter training center for all allied forces around the world. I had a meeting recently with the general who runs Nellis Air Force Base. He was preparing for the German Air Force to come to Las Vegas to be involved in the training systems available for fighting the enemy in fighter planes.

Also, 400 miles from Las Vegas and Nellis Air Force Gunnery Range, you have Fallon Naval Air Station. It is the same type of training facility, not for the Air Force but the Navy. Virtually every pilot who lands on a carrier has been trained at Fallon. It is the premier fighter training center for naval aircraft—Fallon Naval Air Station.

There are many other facilities that have been used over the years. Today, we have Indian Springs Air Force Base which is 50 miles out of Las Vegas—actually less than that—where they are testing drones, the unmanned aircraft. So we have given a lot to the security of this Nation; we continue to do so.

When we talk about nuclear testing, I can remember as a young boy, I was raised 60 miles from Las Vegas.

We were probably 125 miles from where the actual detonations took place. We would get up early in the morning at my home in Searchlight and watch these tests. They would announce when the tests were coming.

We always saw the flash of light with the above-ground tests. Sometimes we did not hear the sound because it would sometimes bounce over us.

We were the lucky ones, though, because the winds never blew toward Searchlight or Las Vegas. The winds blew toward southern Utah and Lincoln County in Nevada.

As a result of these above-ground tests, many people developed radiation sickness. They did not know it at the time. People did not understand what fallout was all about.

Yes, in Nevada, we understand nuclear testing as well as anyone in the world.

Nevada is going to continue its national service whether this treaty is ratified or not. We have already stopped testing in the traditional sense.

I want everyone to understand that even though I am a supporter of this treaty, I believe it would be much better, rather than having everyone march in here tonight and vote up or down on this treaty, that we spend some more time talking about it. I am convinced it is a good thing for this country, a good thing for this Nation, but I have some questions. We should answer some questions.

I have the good fortune of serving on the Energy and Water Subcommittee of the Appropriations Committee. I am the ranking Democrat on that subcommittee, with the head Republican on the subcommittee, Senator DOMENICI of New Mexico. It is our responsibility to appropriate the money for the nuclear defense capabilities of this country. We do that. We spend billions of dollars every year.

One of the things we have tried to do, recognizing we do not have traditional testing—that is underground testing or above-ground testing; of course, we do not do above-ground testing—is to provide other ways to make sure our nuclear stockpile is safe and reliable. No matter what we have done in the past, we have to make sure our weapons are safe and reliable.

How can we do that? We are attempting in this country to do the right thing. We have the Stockpile Stewardship Program under which we are conducting tests now. They are not explosions. We are doing it through computers. We have some names for some of our tests.

One of them is subcritical testing. What does that mean? It means we set off an explosion involving nuclear materials, but before the material becomes critical, we stop it. There is no nuclear yield. Then through computerization, in effect, we try to determine what would have happened had this test gone critical. That is an expensive program, but it is a program that is absolutely necessary, again, for the safety and reliability of our nuclear stockpile.

About 2 years ago, I gave a statement before our subcommittee. This was a statement on the Comprehensive Test Ban Treaty on which we had a hearing. In that statement, I wrote about the loss of confidence in new weapons that could not be tested under the treaty and how this loss of confidence would prevent recurrence of the costly and dangerous nuclear arms race of the past 50 years.

I wrote about the confidence between former adversaries that would come from the treaty because no longer would we or they have to worry about significant new imbalances in deterrent forces, because no new weapons could be built.

I wrote about how that confidence would lead to more and more reductions in nuclear stockpiles and move the world even further away from nuclear annihilation.

I wrote about how the international example of refraining from nuclear testing, along with stockpile reductions, would reduce the incentives for non-nuclear states to develop nuclear weapons.

I did not write 2 years ago about the upcoming Comprehensive Test Ban Treaty review conference in which only states that have ratified the treaty will have effective membership.

That review conference will be able to change the conditions under which the treaty goes into force, and the United States, I am sorry to report, will have no place at that table unless the treaty is ratified by this Senate before that conference.

I wrote about more than the benefits of this treaty. I also wrote about some of its uncertainties and some of the concerns, I believe, we need to study and review, and about the debate that is needed for their resolution.

I pointed out that a prohibition against any and all nuclear explosions would reduce confidence in stockpile reliability and safety unless some other means was developed to maintain that confidence.

I noted that the Stockpile Stewardship Program was conceived to provide that other means. We have had 2 years of experience with this program, but I wrote about the uncertainties faced by science-based stockpile stewardship. I noted the plan depends critically on dramatic increases in computational capability. That is why in our subcommittee we have worked very hard to spend hard-earned tax dollars to develop better computers. The development of computers is going on around the world, but no place is it going on at a more rapid pace than with the money we have provided through this subcommittee. We are doing it because we believe through computerization, we can have a more safe and more reliable stockpile.

It is only through, as I wrote, these dramatic increases in computational capability and equally dramatic increases in resolution with which nonnuclear experiments can be measured that we can go forward with certainty of having a safe and reliable nuclear stockpile.

I noted persistent support by Congress and the administration was absolutely necessary, not on a short-term basis but on a long-term basis. I noted Congress and the administration had to support the science-based Stockpile Stewardship Program; that we must set the pattern for the world; it can be done, and we can do it.

I did say that the support of Congress and the administration was absolutely necessary but not necessarily sufficient because the stewardship program is being developed at the same time that its architects are learning more about it. It is a study in progress. I wrote then, and I believe now, the learning process will continue.

I pointed out that the test ban treaty would not prevent nuclear weapons development. It would only inhibit the military significance of such development. We are not going to develop new weapons. We have not developed new weapons.

Let's talk, for example, about what can be done. You can have the development of crude nuclear explosives that are difficult to deliver, but these could be developed with confidence without testing. We know, going back to the early days of things nuclear, that ''Fat Man'' had not been tested. That was the bomb that was dropped on Hiroshima. There was no test. It was a huge

weapon, as large as the side of a house. They had to build a pit in the runway to load it. They had to reconfigure the B–29 so it could drop this huge weapon, but it was not tested.

Stopping testing is not going to stop the development of nuclear weapons. Rogue nations and other nations can develop these weapons if they see fit. But these crude weapons will not upset the deterrent balance.

Also, some say the treaty would prevent the introduction of new modern weapons that could weaken strategic deterrence. For example, nations could not build sophisticated new weapons; they would be stuck with what they have. What they have may be good, may be bad.

I pointed out the treaty could not guarantee total cessation of nuclear testing because very low-yield tests and higher yield ''decoupled'' tests might not be detected with confidence. You could have small, very small tests. It would be very hard to detect.

You could also have the situation where a signatory nation could execute a high-yield ''unattended'' explosion. What does that mean? What it means is that for a high-yield ''unattended'' explosion in a clandestine operation—nobody could identify the signatory nation that was being noncompliant.

For example, let's say someone developed a nuclear device and secretly dropped it in the ocean and then left. When the device went off someplace deep in the ocean, the country that dropped it in the ocean could certainly know that it exploded. But others could not identify who did it. It would be very hard to develop or make a new stockpile doing it this way, but it is possible. There are ways around everything.

But in spite of all these things that you could throw up as ways to get around the treaty—the ''decoupled'' tests and dropping them in the ocean, of course, you can do those kinds of things—but in spite of that, the positive nature of this treaty far outweighs any of these things that I have mentioned.

I did say in that statement I made before our subcommittee that the United States takes its treaty obligations seriously. We would not in any manner do what I have just outlined. But other nations might conduct themselves in that fashion. You cannot conduct your foreign policy believing that everybody is going to do everything the right way.

I do say that in all of these areas of uncertainty, I wrote about the need of the United States for a prolonged, comprehensive investigation and debate. That is where we have failed. We should have had hearings that went over a period of years, not a few days.

It is through consultation and the testimony of experts, and debate among Members of this body and the other body, that the issues and questions can be properly framed, examined, and resolved.

I was overly optimistic when I wrote in the conclusion of my statement to the hearing as follows:

> These uncertainties and their associated issues will be the subject of intense debate by the Senate as we move toward a policy decision that will define an appropriate balance between the treaty's costs, its risks, and its promised benefits.

There has been no intense debate. I was too optimistic because we did not ''move'' toward a policy decision; we did not do anything. We stumbled, lurched perhaps. I was too optimistic because intense debate has not been conducted by the Senate. There have been a few little things that have gone on. For example, in my subcommittee we have done a few things. But we have needed extensive debate.

What have we had in the last few days, literally? We have had some experts come in. We have had some hurriedly conducted hearings. That isn't the way you approach, perhaps, one of the most important treaties this country has ever decided.

I think the chairmen and the ranking members of both the Armed Services Committee and the Foreign Relations Committee, during the last few days, have done the best they could under the circumstances. I commend them for trying. But I do not think we should base this treaty on what has gone on in the last few days.

I was too optimistic because I did not realize we would enter a time agreement to debate this most important issue for 14 hours. I do not think it is appropriate. I think it prevents amendments that may be necessary.

I indicate that I rise in support of this treaty. I do it without any reluctance. I do say, however, that we should have more debate. We should have more consultation. We should have more hearings. That would allow us to arrive at a better, more informed decision.

I have heard some people speak on this floor saying they want more information. They are entitled to that. I think we are rushing forward on a vote on this. We should step back. I think if there is an opportunity today to avoid the vote this afternoon or tomorrow, we should do that. I do not think we need to rush into this.

The President has written a letter indicating, for the good of the country, this vote should be put off. I agree with that. I am not afraid to cast my vote. I have indicated several times this morning that I will vote in favor of the treaty. I do not, for a moment, believe that there are others who feel any differently than I in our responsibility. Our job is to cast votes. I only wish Members were given the time and opportunity to become as informed as possible so that all Members are given an opportunity to improve this treaty—through debate, through dialogue, and perhaps even through amendment.

Again, I rise in support of this treaty, not because I had an opportunity to consider all the issues and the expert opinion on these issues. I rise in support of the treaty because on the whole we are much, much, much better off with it than without it.

I have only a partial list of prominent individuals and national groups in support of this test ban treaty: Current and former Chairmen and Vice Chairmen of the Joint Chiefs of Staff; former Secretaries of Defense; former Secretaries of State; former Secretaries of Energy; former Members of Congress; Directors of the three National Laboratories; we have other prominent national security officials; arms control negotiators; we have many prominent military officers who have been members of the Chiefs of Staff; scientific experts from all over the United States with the greatest academic institutions; we have Nobel laureates—more than a score of Nobel laureates who support this treaty—former senior Government officials and advisors; ambassadors; national groups; medical and scientific groups; public interest groups; religious groups.

I have eight or nine pages of prominent individuals and national groups in support of the Comprehensive Nuclear Test-Ban Treaty that I ask unanimous consent be printed in the RECORD.

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

PARTIAL LIST OF PROMINENT INDIVIDUALS AND NATIONAL GROUPS IN SUPPORT OF THE CTBT—OCTOBER 9, 1999

CURRENT AND FORMER CHAIRMEN/VICE-CHAIRMEN OF THE JOINT CHIEFS OF STAFF

General Hugh Shelton, Chairman of the Joint Chiefs of Staff.
General John Shalikashvili, former Chairman of the Joint Chiefs of Staff.
General Colin Powell, former Chairman of the Joint Chiefs of Staff.
General David Jones, former Chairman of the Joint Chiefs of Staff.
Admiral William Crowe, former Chairman of the Joint Chiefs of Staff.
General Joseph Ralston, Vice Chairman.
Admiral William Owens, former Vice Chairman.

FORMER SECRETARIES OF DEFENSE

Robert McNamara.
Harold Brown.
William Perry.

FORMER SECRETARIES OF STATE

Warren Christopher.
Cyrus Vance.

FORMER SECRETARIES OF ENERGY

Hazel O'Leary.
Federico Peña.

FORMER ACDA DIRECTORS

Ambassador Ralph Earle II.
Major General William F. Burns.
Lt. General George M. Seignious II.
Ambassador Paul Warnke.
Kenneth Adelman.

FORMER MEMBERS OF CONGRESS

Senator Dale Bumpers.
Senator Alan Cranston.
Senator John C. Danforth.
Senator J. James Exon.
Senator John Glenn.
Senator Mark O. Hatfield.
Senator Nancy Landon Kassebaum.
Senator George Mitchell.
Representative Bill Green.
Representative Thomas J. Downey.

Representative Michael J. Kopetski.
Representative Anthony C. Bellenson.
Representative Lee. H. Hamilton.

DIRECTORS OF THE THREE NATIONAL LABORATORIES

Dr. John Browne, Director of Los Alamos National Laboratory.
Dr. Paul Robinson, Director of Sandia National Laboratory.
Dr. Bruce Tarter, Director of Lawrence Livermore National Laboratory.

OTHER PROMINENT NATIONAL SECURITY OFFICIALS

Ambassador Paul H. Nitze, arms control negotiator, Reagan Administration.
Admiral Stansfield Turner, former Director of the Central Intelligence Agency.
Charles Curtis, former Deputy Secretary of Energy.
Anthony Lake, former National Security Advisor.

PROMINENT MILITARY OFFICERS—SERVICE CHIEFS

General Eric L. Shinseki, Army Chief of Staff.
General Dennis J. Reimer, former Army Chief of Staff.
General Gordon Russell Sullivan, former Army Chief of Staff.
General Bernard W. Rogers, former Chief of Staff, U.S. Army; former NATO Supreme Allied Commander.
General Michael E. Ryan, Air Force Chief of Staff.
General Merrill A. McPeak, former Air Force Chief of Staff.
General Ronald R. Fogleman, former Air Force Chief of Staff.
General James L. Jones, Marine Corps Commandant.
General Charles C. Krulak, former Marine Corps Commandant.
General Carl E. Mundy, former Marine Corps Commandant.
Admiral Jay L. Johnson, Chief of Naval Operations.
Admiral Frank B. Kelso II, former Chief of Naval Operations.
Admiral Elmo R. Zumwalt, Jr., former Chief of Naval Operations.
General Eugene Habiger, former Commander-in-Chief of Strategic Command.
General John R. Galvin, Supreme Allied Commander, Europe.
Admiral Noel Gayler, former Commander, Pacific.
General Charles A. Horner, Commander, Coalition Air Forces, Desert Storm, former Commander, U.S. Space Command.
General Andrew O'Meara, former Commander U.S. Army Europe.
General Bernard W. Rogers, former Chief of Staff, U.S. Army; former NATO Supreme Allied Commander.
General William Y. Smith, former Deputy Commander, U.S. Command, Europe.
Lt. General Julius Becton.
Lt. General John H. Cushman, former Commander, I Corps (ROK/US) Group (Korea).
Lt. General Robert E. Pursley.
Vice Admiral William L. Read, former Commander, U.S. Navy Surface Force, Atlantic Command.
Vice Admiral John J. Shanahan, former Director, Center for Defense Information [19].
Lt. General George M. Seignious II, former Director Arms Control and Disarmament Agency.
Vice Admiral James B. Wilson, former Polaris Submarine Captain.
Maj. General William F. Burns, JCS Representative, INF Negotiations, Special Envoy to Russia for Nuclear Dismantlement.
Rear Admiral Eugene J. Carroll, Jr., Deputy Director, Center for Defense Information.
Rear Admiral Robert G. James.

OTHER SCIENTIFIC EXPERTS

Dr. Hans Bethe, Nobel Laureate; Emeritus Professor of Physics, Cornell University; Head of the Manhattan Project's theoretical division.
Dr. Freeman Dyson, Emeritus Professor of Physics, Institute for Advanced Study, Princeton.
Dr. Richard Garwin, Senior Fellow for Science and Technology, Council on Foreign Relations; consultant to Sandia National Laboratory, former consultant to Los Alamos National Laboratory.
Dr. Wolfgang K.H. Panofsky, Director Emeritus, Stanford Linear Accelerator Center, Stanford University.
Dr. Jeremiah D. Sullivan, Professor of Physics, University of Illinois at Urbana-Champaign.
Dr. Herbert York, Emeritus Professor of Physics, University of California, San Diego; founding director of Lawrence Livermore, National Laboratory; former Director of Defense Research and Engineering, Department of Defense.
Dr. Sidney D. Drell, Stanford Linear Accelerator Center, Stanford University.

NOBEL LAUREATES

Philip W. Anderson.
Hans Bethe.
Nicolaas Bloembergen.
Owen Chamberlain.
Steven Chu.
Leon Cooper.
Hans Dehmelt.
Val F. Fitch.
Jerome Friedman.
Donald A. Glaser.
Sheldon Glashow.
Henry W. Kendall.
Leon M. Lederman.
David E. Lee.
T.D. Lee.
Douglas D. Osheroff.
Arno Penzias.
Martin Perl.
William Phillips.
Norman F. Ramsey.
Robert C. Richardson.
Burton Richter.
Arthur L. Schawlow.
J. Robert Schrieffer.
Mel Schwartz.
Clifford G. Shull.
Joseph H. Taylor, Jr.
Daniel C. Tsui.
Charles Townes.
Steven Weinberg.
Robert W. Wilson.
Kenneth G. Wilson.

FORMER SENIOR GOVERNMENT OFFICIALS AND ADVISORS

Ambassador George Bunn, NPT Negotiations and former General Counsel of ACDA.
Ambassador Jonathan Dean, MBFR negotiations.
Ambassador James E. Goodby, Ambassador to Finland and to U.S.-Russian Nuclear negotiations.
Ambassador Thomas Graham, Jr., Special Representative of the President for Arms Control, Non-Proliferation and Disarmament.
The Honorable Paul Ignatius, Secretary of the Navy.
The Honorable Spurgeon Keeny, Deputy Director of ACDA.
The Honorable Lawrence Korb, Assistant Secretary of Defense.
Ambassador Steven Ledogar, CTBT negotiations.
Ambassador James Leonard, Deputy U.N. Representative.
Jack Mendelsohn, senior arms control negotiator.
Lori Murray, Assistant Director of ACDA.
Ambassador Michael Newlin, Deputy Assistant Secretary of State for Export Controls and Policy.
Ambassador Robert B. Oakley, U.S. Ambassador to Pakistan.
Daniel B. Poneman, Senior Director, National Security Council.
The Honorable Stanley Resor, Secretary of the Army and Undersecretary of Defense for Policy.
The Honorable John Rhinelander, Legal Adviser to SALT I Delegation.
Elizabeth Rindskopf, General Counsel of CIA and National Security Agency.
Ambassador Robert Gallucci, DPRK Agreed Framework negotiations.
The Honorable Lawrence Scheinman, Assistant Director of ACDA.
Ambassador James Sweeney, Special Representative of the President for Non-Proliferation.
Ambassador Frank Wisner, U.S. Ambassador to India.

FORMER GOVERNMENT ADVISERS

Paul Doty.
Richard Garwin.
John Holdren.
Wolfgang Panokfsky.
Frank Press.
John D. Steinbruner.
Frank N. von Hippel.

NATIONAL GROUPS

MEDICAL AND SCIENTIFIC ORGANIZATIONS

American Association for the Advancement of Science.
American Geophysical Union.
American Medical Students Association/Foundation.
American Physical Society.
American Public Health Association.
American Medical Association.

PUBLIC INTEREST GROUPS

20/20 Vision National Project.
Alliance for Nuclear Accountability.
Alliance for Survival.
Americans for Democratic Action.
Arms Control Association.
British American Security Information Council.
Business Executives for National Security.
Campaign for America's Future.
Campaign for U.N. Reform.
Center for Defense Information.
Center for War/Peace Studies (New York, NY).
Council for a Livable World.
Council for a Livable World Education Fund.
Council on Economic Priorities.
Defenders of Wildlife.
Demilitarization for Democracy.
Economists Allied for Arms Reduction (ECAAR).
Environmental Defense Fund.
Environmental Working Group.
Federation of American Scientists.
Fourth Freedom Forum.
Friends of the Earth.
Fund for New Priorities in America.
Fund for Peace.
Global Greens, USA.
Global Resource Action Center for the Environment.
Greenpeace, USA.
The Henry L. Stimson Center.
Institute for Defense and Disarmament Studies (Saugus, MA).
Institute for Science and International Security.
International Association of Educators for World Peace (Huntsville, AL).
International Physicians for the Prevention of Nuclear War.
International Center.
Izaak Walton League of America.

Lawyers Alliance for World Security.
League of Women Voters of the United States.
Manhattan Project II.
Maryknoll Justice and Peace Office.
National Environmental Coalition of Native Americans (NECONA).
National Environmental Trust.
National Commission for Economic Conversion and Disarmament.
Natural Resources Defense Council.
Nuclear Age Peace Foundation.
Nuclear Control Institute.
Nuclear Information & Resource Service.
OMB Watch.
Parliamentarians for Global Action
Peace Action.
Peace Action Education Fund.
Peace Links.
PeacePAC.
Physicials for Social Responsibility.
Plutonium Challenge.
Population Action Institute.
Population Action International.
Psychologists for Social Responsibility.
Public Citizen.
Public Education Center.
Saferworld.
Sierra Club.
Union of Concerned Scientists.
United States Servas, Inc.
Veterans for Peace.
Vietnam Veterans of America Foundation.
Volunteers for Peace, Inc.
War and Peace Foundation.
War Resistors League.
Women Strike for Peace.
Women's Action for New Directions.
Women's Legislators' Lobby of WAND.
Women's International League for Peace and Freedom.
World Federalist Association.
Zero Population Growth.

RELIGIOUS GROUPS

African Methodist Episcopal Church.
American Baptist Churches, USA.
American Baptist Churches, USA, National Ministries.
American Friends Service Committee.
American Jewish Congress.
American Muslim Council.
Association General Secretary for Public Policy, National Council of Churches.
Catholic Conference of Major Superiors of Men's Institutes.
Church Women United.
Coalition for Peace and Justice.
Columbian Fathers' Justice and Peace Office.
Commission for Women, Evangelical Lutheran Church in America.
Covenant of Unitarian Universalist Pagans.
Christian Church (Disciples of Christ) in the United States and Canada.
Christian Methodist Episcopal Church.
Church of the Brethren, General Board.
Division for Church in Society, Evangelical Lutheran Church in America.
Division for Congregational Ministries, Evangelical Lutheran Church in America.
Eastern Archdiocese, Syrian Orthodox Church of Antioch.
The Episcopal Church.
Episcopal Peace Fellowship, National Executive Council.
Evangelicals for Social Action.
Evangelical Lutheran Church in America.
Fellowship of Reconciliation.
Friends Committee on National Legislation.
Friends United Meeting.
General Board Members, Church of the Brethren.
General Board of Church and Society, United Methodist Church.
General Conference, Mennonite Church.
General Conference of the Seventh Day Adventist Church.
Jewish Peace Fellowship.
Lutheran Office for Governmental Affairs, Evangelical Lutheran Church in America.
Mennonite Central Committee.
Mennonite Central Committee, U.S.
Mennonite Church.
Methodists United for Peace with Justice.
Missionaries of Africa.
Mission Investment Fund of the ELCA, Evangelical Lutheran Church in America.
Moravian Church, Northern Province.
National Council of Churches.
National Council of Churches of Christ in the USA.
National Council of Catholic Women.
National Missionary Baptist Convention of America.
NETWORK: A National Catholic Social Justice Lobby.
New Call to Peacemaking.
Office for Church in Society, United Church of Christ.
Orthodox Church in America.
Pax Christi.
Presbyterian Church (U.S.A.).
Presbyterian Peace Fellowship.
Progressive National Baptist Convention, Inc.
Religious Action Center of Reform Judaism.
The Shalom Center.
Sojourners.
Union of American Hebrew Congregations.
United Church of Christ.
United Methodist Church.
United Methodist Council of Bishops.
Unitarian Universalist Association.
Washington Office, Mennonite Central Committee.
Women of the ELCA, Evangelical Lutheran Church in America.

Mr. FEINGOLD addressed the Chair.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I thought it was understood that we would alternate sides as we proceeded this morning.

Mr. REID. I would only say to my friend from Virginia, I am happy to alternate. The only thing is, you will have to speak less than we do. Your speeches will have to be shorter because you have less time. I spoke with the Senator from Arizona. What is the time now?

The PRESIDING OFFICER. The majority has 2 hours 53 minutes; the minority, 3 hours 2 minutes.

Mr. REID. So it has narrowed down to about the same time. Fine, we will alternate back and forth.

Mr. WARNER. The time—

Mr. REID. Is very close to being equal.

Mr. WARNER. As an opponent to the treaty, I would like to proceed, Mr. President.

The PRESIDING OFFICER. Is that all right with the Senator from Wisconsin?

Mr. FEINGOLD. My understanding is, I would be next in line after the Senator from Virginia.

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

The Senator from Virginia.

Mr. WARNER. I thank the Senator from Wisconsin.

During the period of last week, a number of Senators sought to obtain from the President a letter addressing his views on the timing of a vote on this treaty. Over the weekend, in consultation with the White House staff, I learned that this letter would be delivered. It was delivered to the Senate leadership yesterday afternoon.

I shall now read it and place it in the RECORD:

DEAR MR. LEADER:

Tomorrow, the Senate is scheduled to vote on the Comprehensive Test Ban Treaty. I firmly believe the Treaty is in the national interest. However, I recognize that there are a significant number of Senators who have honest disagreements. I believe that proceeding to a vote under these circumstances would severely harm the national security of the United States, damage our relationship with our allies, and undermine our historic leadership over 40 years, through administrations Republican and Democratic, in reducing the nuclear threat.

Accordingly, I request that you postpone consideration of the Comprehensive Test Ban Treaty on the Senate floor.

Sincerely,

BILL CLINTON.

Throughout this debate, the hallmark has been differing views, differing views by honestly motivated colleagues on both sides of the aisle. I am not suggesting everyone on this side, in other words, is opposed to the treaty, but the practical matter is, there seems to be a division along this aisle.

In addition, as recited by my good friend, the deputy leader of the Democrat side, the Senate has received communications from a wide range of individuals, again, on both sides of this issue. The Armed Services Committee held three consecutive hearings. Secretary Schlesinger came forward with a very clear statement in opposition to the treaty and expressed, on behalf of five other former Secretaries of Defense, the same viewpoint. That occurred immediately following the current Secretary of Defense, Secretary Cohen, appearing before the Armed Services Committee, together with General Shelton, and taking the view in support of the treaty. All through last week intermittently these communications came to the Senate in writing, orally or otherwise—former Secretary of State Kissinger, former National Security Adviser Brent Scowcroft, again, communicating their desire to see that the treaty not be voted upon at this time.

I mention that because of the seriousness of the treaty, one that lasts in perpetuity—theoretically, in perpetuity—asking this Nation to take certain steps with regard to our ability to monitor the effectiveness and the safety of our nuclear arsenal. To me, it is clear such a treaty should only be voted on when those types of conflicting opinions have been, as nearly as possible, resolved. The laboratory Directors, likewise, came before our committee; they are not involved in the political arena. But one after the other in testimony tried to indicate where they are in the test program. We

are not there yet. It could be anywhere from 5 and, one even said, 20 years before the milestones now scheduled are put in place for this substitute scientific, largely computerized test program will take the place of the actual tests.

Against that background—and I speak only for myself—I have joined with Senator MOYNIHAN and, hopefully, others in preparing a Dear Colleague letter, which will be circulated this morning, with the Senator from Virginia opposed to the treaty, prepared tonight to vote against it or tomorrow, whenever the case may be, and my distinguished colleague, the senior Senator from New York, who spent much of his lifetime in foreign affairs, a recognized expert, steadfastly in favor of the treaty and prepared to vote in support of it. I find on both sides of the aisle there are Senators of a like mind who believe that in the interest of national security, today is not the time to vote for that treaty.

The letter from the President, it was hoped by some, would refer to his belief as to the scheduling of when this treaty should next be addressed in terms of a vote by the Senate. It is clear; his last paragraph does not address that issue. He simply says: Accordingly, I request that you postpone consideration on the Senate floor.

Given that situation, it seems to me it is incumbent upon, hopefully, a majority of Senators, hopefully 25 or more from each side, to come forward and state that they firmly believe the final consideration of this treaty should be laid at a time beyond the current Congress and that final vote should not take place until the convening of the 107th Congress. The Senate at that time would review the entirety of the record. A new President will be in office, and the combination of a new President and his perspective, the Senate constituted, as it will be in the 107th, and that point in time is the critical moment for this Senate to determine the merits and demerits of this treaty to the extent that, through reservations and other means, changes could be brought about and then, if it is the desire of the majority of the Senate, to move towards a vote.

That, to me, is a reasonable course of action. Next year constitutional elections of the United States take place. We all are very familiar with the dynamics of that critical period in American history, particularly in the months preceding the election. Should this treaty be subjected to the rifts of the dynamics of an election year, given its importance to our national security? Clearly in this Senator's mind, I say no. My distinguished colleague from New York has joined me in the same conclusion. This country has exercised a leadership role in arms control for 40 years. Indeed, this treaty has—not in my judgment in its present form—in the minds of others a potential to be another milestone in our progress towards arms control and the reduction of the threat of nuclear weapons.

In fairness to all sides, would it not be wiser to delay the vote and make certain it is the consensus of a majority of this Chamber, before that decision is finalized today or tomorrow, the majority of this Chamber saying we concur in the observation for a number of reasons, one of which clearly came before the Armed Services Committee, and that is, that the Intelligence Committee, on its own initiative, has initiated a new study of the capabilities of the United States to monitor low-level tests of actual weapons, should some nation, a signatory to this treaty or otherwise, decide to test live weapons.

We are at a crossroads in history which will affect this Nation for decades to come. What possible rush to judgment compels a vote tonight or tomorrow? Would it not be more prudent that such a vote now be by a majority of the Senate in support of the two leaders, Senator LOTT and Senator DASCHLE, both of whom have handled this matter, in my judgment, conscientiously, always foremost in mind the security interests of this country today, tomorrow, and the indefinite future? I salute both leaders.

That is my brief opening. I wish to continue and summarize what our committee did last week. We received over 15 hours of testimony from a wide range of witnesses, from the Secretary of Defense and the Chairman of the Joint Chiefs to current and former National Laboratory Directors and career professionals in the field of nuclear weapons. We also received letters from many public officeholders, former Secretaries of Defense, State, Secretaries of Energy, Chairmen of the Joints Chiefs, Directors of Central Intelligence, and former lab Directors on the merits and the pitfalls of the CTB Treaty. Other public officeholders came forward in favor, but there is a strong division.

I don't think anyone, the President or, indeed, the Senate, could have foreseen the outpouring of conscientious opinion, opinions directed solely in the best interests of this country, not politics, by these former officials. They are in the RECORD for all to see. These are people with decades of experience in national security. Their statements reflect honest disagreements, disagreements primarily with the stance taken by the President and senior members of his administration.

In my view, the body of facts that the Armed Services Committee has accumulated over the past several days clearly puts the arguments of many of the administration officials in serious question. We have learned we do not have the full confidence in the United States' technical capability to verify this treaty to the zero-yield threshold that President Clinton unilaterally imposed, more or less, on this country. And other countries can conduct military-significant live bomb tests at levels below our detection capability. That is the essence of it. We do not have all of the seismic equipment, in the judgment of the Intelligence Committee, in place and ready to meet the deadlines of this treaty so we could detect another nation that desired to use live tests in violation of their commitments under this treaty.

We have learned that our nuclear weapons will, to some degree, deteriorate over time. That is pure science. The physical properties of the materials deteriorate over a period of time. We cannot guarantee the safety and reliability of our highly sophisticated nuclear weapons in perpetuity—always remember, in perpetuity. Testing is needed.

The Stockpile Stewardship Program is the concept of a substitute for the live testing that we have had these 50 years. That 50-year record of testing gives us the confidence today, and for a number of years forward, in the reliability and safety of our stockpile. But there is some point in time, due to the deterioration of weapons, and other factors, that we will have to shift to a new means of testing. The administration's proposal under this treaty is the Stockpile Stewardship Program. It is a computer simulation substitute for actual testing. The scientists tell us this will not be proven—this substitute—for perhaps 5, 10, maybe up to 20 years. I repeat, milestones are being put in place, but there is no certainty as to when, collectively, those milestones will constitute a system to replace actual testing. The estimates vary from 5, 6, 7 years, perhaps out to 20.

Yet we are being asked to ratify a treaty affirming that we shall never again, in perpetuity, actually test any of our nuclear weapons. We have learned the CTBT will do nothing—not a single thing—to stop proliferation by rogue nations and terrorists. Iraq and Iran will sit back and laugh. Right now, Iraq is defying the world over similar arms control agreements, similar U.N. sanctions, and the United Nations is entangled in what appears to be a hopeless debate over how to resolve the need to continue to monitor Saddam Hussein's program of weapons of mass destruction. A clear example of how the most well-intentioned international agreements have failed is right there, today.

Rogue nations can easily develop and field, with a high degree of confidence, a single stage device—a ''dirty old bomb,'' as they refer to it—without any testing. Ironically, the first weapon dropped by the United States was never tested with an actual test.

Many of my colleagues, again, honestly disagree on the conclusions, pointing out that reasonable people can examine the same body of facts and reach different conclusions. That is my grave concern. We should not be ratifying a treaty as long as reasonable doubt to that degree exists as to whether the treaty is in the national security interest of the United States. The stakes are far too high.

The Armed Services Committee began its hearings with a closed hearing, where we heard from career professionals and experts with decades of experience, from the Department of Energy, the National Laboratories, and the Intelligence Committee. Their testimony focused on recent facts—facts that were not fully known at the time this treaty was signed by the President some 2 years ago. Their assessment is they would have to go back and reexamine a lot of facts to determine the viability, or lack of viability, of the capability of this Nation to monitor low-level tests.

Much of that information we learned was developed over the last 18 months. Therefore, those facts were not available to the Congress or the President when the CTBT was signed in 1996. The information presented to the Armed Services Committee on Tuesday is highly classified and, of course, cannot be discussed in open session. But one fact is very relevant. Because of disturbing new information, the Intelligence Committee—on its own initiative—decided to revisit and update the 1997 NIE, national intelligence estimate, on the U.S. ability to monitor the CTBT. I have been informed, as have other members of the committee, that it will take until next year to complete that work. That is a clear, credible basis for not moving forward today or tomorrow on a vote.

I advised Secretary Cohen and General Shelton on the following day, Wednesday morning, when they testified before the Armed Services Committee that they had the opportunity to make their case for this treaty before the elected representatives of the American people, and that they did. I believe the burden is on the administration to prove—maybe beyond a reasonable doubt—that ratification of this treaty is in the national security interest of our Nation. They simply did not make that case. And I say that with all due respect to my good friend and former colleague, Secretary Cohen.

We are being asked to give up—permanently—our tried and true, proven ability to maintain the safety and reliability of our nuclear stockpile and to rely instead on a computer simulation and modeling capability that will not be fully developed or proven for many years—if at all. We are being asked today to put at some degree of risk our nuclear deterrent capability, in exchange for the promise that we may have a way to adequately certify that capability at some uncertain future date. The question before the Senate is, Can we afford to take such a gamble? This Senator believes the answer is no.

For more than 50 years, one of the top national security priorities of every American President has been to maintain a credible nuclear arsenal and deterrent to aggression against ourselves and our allies, and it has worked. The credibility of the United States in the world is a direct reflection of our military capability. If that credibility is ever called into question by our inability to ensure the safety and reliability of nuclear weapons—a vital segment of our military capability—then we have done our Nation a great disservice. The stakes for this debate are very high.

For 50 years, our nuclear umbrella—the deterrent provided by the U.S. nuclear arsenal—has kept peace in Europe. Unquestionably, the threats in Europe following World War II were deterred by this capability. Yet it is that very deterrent that could be jeopardized by this treaty. Dr. Schlesinger stated it clearly when he asked, ''Do we want a world that lacks confidence in the U.S. deterrent or not?''

I hope all Members will take the time to examine carefully the body of facts that the Armed Services Committee and, indeed, the Foreign Relations Committee have accumulated and recorded for Senators.

Simply put, the CTBT, at this time, jeopardizes our ability to maintain the safety and reliability of our nuclear arsenal—perhaps not right away but almost certainly over the long run. According to Dr. James Robinson, Director of Sandia National Laboratory: ''To forego testing is to live with uncertainty.''

Much has been said about what other Presidents have done. They have all examined the possibility of entering into some type of international treaty. But no previous President has ever opposed a test ban of zero yield and unlimited duration. President Eisenhower insisted that nuclear tests of less than 4.75 kilotons be permitted and, in fact, continued low-yield testing through his administration's test ban moratorium. President Kennedy terminated a 3-year moratorium on testing when the adverse consequences of the moratorium were realized, and he declared that ''never again'' would the United States make such a mistake. President Kennedy then embarked on the most aggressive series of nuclear tests in the history of the U.S. nuclear weapons program. President Carter also opposed a zero-yield test ban while in office.

To have an effective nuclear deterrent, we must have confidence in the safety and reliability of our nuclear weapons. These weapons are the most sophisticated designs in the world. It is a certainty that, over time, these arsenals, high explosives, and electronic components contained in these weapons will experience some level of deterioration. That is simple science. The nature of our nuclear weapons program over the past five decades provides little practical experience in predicting the effects of these changes.

What do we say to our sailors, soldiers, airmen, and marines who live and work in close proximity with these nuclear weapons? What do we say to the people of our Nation, and indeed nations around the world, who live in the vicinity of our nuclear weapons? These are weapons that are stored in various locations around the world, that rest in missile tubes literally several feet away from the bunks of our submarine crews, that are regularly moved across roads and airfields around the world. How can we take any action which in any way jeopardizes or calls into question the safety of these weapons? As Dr. Bob Barker, former Assistant to the Secretary of Defense for Atomic Energy, told the Armed Services Committee on Thursday, ''to leave in place weapons that are not as safe as they could be is unconscionable.''

History tells us that weapons believed to be reliable and thoroughly tested, nevertheless, develop problems which, in the past were only discovered, and could only be fixed, through nuclear testing. As President Bush noted in a report to Congress in January 1993: ''Of all U.S. nuclear weapons designs fielded since 1958, approximately one-third have required nuclear testing to resolve problems arising after deployment.'' In three-quarters of these cases, the problems were identified and assessed only as a result of nuclear testing, and could be fixed only through testing. Let me emphasize, most of these problems were related to safety.

The Clinton administration has proposed remanufacturing aging weapons rather than designing and building new ones. The problem is that we simply don't know if this new approach is possible. Almost every weapons designer we have heard from over the past 3 years has raised concerns with any attempts to change components, such as plutonium and high explosives, in the heart of the weapon. Many of the materials and methods used in producing the original weapons are no longer available. To assure that the remanufactured weapons work as intended most agree the new weapons would have to be validated through underground nuclear testing.

Every system will become obsolete at some point in time—if for no other reason, for deterioration due to aging. CTBT will not allow us to replace aging or unsafe systems in the future.

Supporters of the treaty, argue that if a problem with the stockpile is identified, the President can always exercise ''Safeguard F'' and withdraw from the treaty and test. The military leaders and the three lab directors have all conditioned their support for CTBT on the guarantee that the President would exercise ''Safeguard F'' and withdraw from the treaty if a problem develops with our nuclear stockpile. But how realistic is that? It is highly unlikely that this safeguard would ever be used by the United States to withdraw from the treaty even if serious problems should occur in the stockpile. Has the United States ever withdrawn from a treaty? We are struggling today under the weight of the ABM Treaty which was signed in 1972 with a nation that no longer exists: withdrawing from the treaty is simply without precedent.

And what would the international ramifications be of such a withdrawal

from the treaty? Wouldn't it be worse to withdraw years down the road, after other nations have presumably followed our lead, than to simply not ratify in the first place?

In addition, the notion of being able to test quickly in an emergency is unrealistic. Even if the United States should decide to withdraw from CTBT, the lab directors report that it would take at least 2 to 3 years of preparation before a test could be conducted, and our testing infrastructure continues to deteriorate. By withdrawing, the United States would be announcing to the world that we have such a serious problem with our nuclear deterrent that we have lost confidence in the reliability of our nuclear stockpile, and that we must initiate a program to repair or replace the weapon or weapons and conduct tests to confirm the results. Such an action would be highly destabilizing.

Proponents of the CTBT have asserted that the treaty will have no adverse impacts on U.S. national security, that we will be able to confidently maintain and modernize U.S. strategic and theater nuclear forces to the extent necessary without ever conducting another nuclear explosive test. In fact, the CTBT will force the United States to forgo any number of important initiatives that may be required to ensure the long-term viability and safety of our strategic and theater nuclear deterrent forces.

The CTBT will lock the United States into retention of a nuclear arsenal that was designed at the height of the cold war. Many of the nuclear systems that we developed to deter the Soviet Union are simply not suited to the subtle, and perhaps more difficult, task of deterring rogue states from using nuclear, chemical, or biological weapons. Such deterrence will require the United States to possess nuclear weapons that pose a credible threat to targets such as rogue state biological weapon production facilities that may be located deep underground in hardened shelters. At the same time, for such weapons to be credible deterrents, they must not threaten to create significant collateral damage or radioactive fallout. Such weapons do not exist today in the U.S. arsenal.

I am also concerned that this treaty's zero yield test ban is not verifiable. It is difficult, if not impossible, to detect tests below a certain level. And testing at yields below detection may allow countries, such as Russia, to develop new classes of low-yield, tactical nuclear weapons. This possibility makes recent statements by senior Russian officials claiming that they are now developing tactical nuclear weapons especially troubling. For example, this August, the Russian Deputy Minister for Atomic Energy, Lev Ryabev, stated that a key Russian objective was the development of a tactical nuclear system. This April, President Yeltsin reportedly approved a blueprint for the development and use of non-strategic nuclear weapons. Would we be able to detect tests of such tactical weapons? The development of any nuclear weapon, regardless of its yield, is militarily significant to this Senator.

Further, countries that want to evade detection can do so by masking or muffling tests in mines, underground cavities, salt domes, or other geological formations. I am convinced that the United States and the international community cannot now, and will not in the foreseeable future, be able to detect such cheating or testing below a certain level.

Proponents of the CTBT argue that the International Monitoring System established under the treaty will put in place capabilities exceeding those that the United States and its allies can field today. These monitoring sites will be owned and operated by the host countries, which I believe calls into serious question the reliability of the information collected and, thus, its value to our ability to detect a nuclear test.

Proponents of CTBT also argue that although the treaty may not be verifiable through detection methods, the on-site inspections make the CTBT verifiable. I disagree. The treaty requires an affirmative vote of 30 of 51 members of the Executive Council to initiate an inspection. The likelihood of obtaining that number, which could include such countries as Iran and North Korea, is remote, if not impossible. Further, the United States would have to present a case to the Executive Council which would most likely compromise sensitive U.S. intelligence sources and methods. The timelines imposed by the treaty for on-site inspections permit considerable coverup and deterioration of evidence. In addition, there is no guarantee that Americans will be on the inspection teams. In fact, any state is explicitly permitted to block inspectors from countries it does not like. The treaty gives the inspected state the final say in any dispute with inspectors.

Finally, ambiguities in the CTBT may allow other nations to legally circumvent the clear intent of the treaty. The treaty does not define what constitutes a nuclear test. However, President Clinton has said that the United States will interpret nuclear test to mean any nuclear explosion, thus all tests are banned unless they are zero-yield. However, if other signatory nations interpret a less restrictive definition, they could conduct very low-yield tests and argue that they are not violating the language of the treaty.

I am concerned that while the United States would adhere to the CTBT, thereby losing confidence over time in our nuclear deterrent, other countries would capitalize upon U.S. deficiencies and vulnerabilities created by the CTBT and violate the treaty, by escaping detection and building new weapons.

I believe the risk the CTBT poses to U.S. national security by far outweighs any of the benefits that have been identified.

Mr. President, I shall reengage in this debate as the day progresses. I will pursue with Senator MOYNIHAN the final presentation of our Dear Colleague letter in the hopes that a number of Senators will see the wisdom in giving the leadership of the Senate the support they deserve should a decision be made not to go forward today. That decision should embrace very clearly that it would be in the Senate's interest, in the Nation's interest, and our security interest to revisit this treaty in terms of a final vote in the balance of this Congress.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized.

Mr. FEINGOLD. I thank the Chair.

Mr. President, I rise today in strong support of Senate advice and consent to the ratification of the Comprehensive Nuclear Test Ban Treaty.

As a member of the Senate Committee on Foreign Relations, I have advocated for consideration of this treaty since President Clinton submitted it to this body for advice and consent on September 22, 1997. Now, more than 2 years later, this important treaty is being considered on the Senate floor. While I am pleased that we are having this debate, I am concerned about the manner in which we reached this point. I regret that the Foreign Relations Committee, of which I am a member, had only one day of hearings on this important arms control agreement and that the committee did not consider and mark up a resolution of ratification.

I am concerned that this debate is too limited in duration and scope. This is obviously serious business. And I hope that the manner in which this treaty was brought to the floor does not doom it to failure. This treaty should be fully debated on its merits. And this body should have the opportunity to offer any statements, declarations, understandings, or conditions that we deem necessary. But this treaty should not be defeated simply because the Senate has backed itself into a corner in which the choice is to vote up or down now without the option to postpone this important vote in favor of further consideration. Some of our colleagues have expressed their desire for further consideration. But they have said that if they are forced to vote today, they will oppose this treaty—not necessarily because they do not support the treaty, but rather because they feel they cannot yet fully support it without further study.

I think putting Senators in this position is an irresponsible course of action.

As my colleagues know, I support this treaty. And I will vote in favor of it today should it come to that. But I hope we will consider the consequences of defeating this treaty, not on its merits, but because of the political box in

which we find ourselves. This treaty must not fall victim to politics. The consequences of its defeat will be felt from Moscow to New Delhi to Beijing to Baghdad. And this body, the greatest deliberative body in the world, would be sending the message that we did not want to spend more time on one of the most important issues facing the world today.

We do live in dangerous times, Mr. President. Weapons capable of mass destruction have replaced more conventional weapons in our world. New threats continue to emerge. But we have the power to stem the tide of nuclear proliferation. Perhaps we cannot stop it completely. But we can make sure that the nuclear arms race is stopped in its tracks and we can make it extremely difficult for those with nuclear aspirations to develop a weapon in which they can have high confidence.

And we should do everything in our power to make the world safer for future generations. And if that includes delaying the vote on this treaty, then we should swallow our political pride and do that.

As a number of my colleagues have already said, both in committee and on this floor, the idea of a nuclear test ban dates back to the Eisenhower administration. For more than 40 years, Presidents of both parties have advocated for such a treaty.

In a speech delivered on June 10, 1963, President John F. Kennedy discussed his support for the negotiation of a comprehensive test ban treaty. He said—and I quote:

> The conclusion of such a treaty, so near and yet so far, would check the spiraling arms race in one of its most dangerous areas. It would place the nuclear powers in a position to deal more effectively with one of the greatest hazards which man faces in 1963, the further spread of nuclear arms. It would increase our security—it would decrease the prospects of war. Surely this goal is sufficiently important to require our steady pursuit, yielding neither to the temptation to give up the whole effort nor the temptation to give up our insistence on vital and responsible safeguards.

Mr. President, those words are as relevant today as they were when President Kennedy spoke them 36 years ago. Nuclear weapons are still one of the greatest hazards on the planet. And they have been joined by chemical, biological, and other weapons of mass destruction. President Kennedy spoke from the perspective of the cold war and the still escalating arms race with the Soviet Union. Now, in 1999, the cold war is over and the Soviet Union is no more. But we are on the brink of another nuclear arms race, this time in south Asia. India and Pakistan are watching, Mr. President. And we have the opportunity to end their nuclear aspirations once and for all. Or to give them the cover they need to continue testing.

We have the opportunity today at long last to become a party to a comprehensive nuclear test ban treaty that will both stop the nuclear arms race in its tracks and maintain our option to withdraw from its provisions if our national security is threatened.

I hope that will be our paramount consideration in the coming hours as we decide whether to put this treaty up for a vote today or tomorrow.

Mr. President, as many of my colleagues have noted throughout this debate, there are many reasons why the United States should become a party to this important treaty. I will address three of them here.

First, this treaty will allow the United States to maintain our strong nuclear deterrent. This treaty does not require the parties to dismantle their existing nuclear stockpiles. It does not prevent them from maintaining those stockpiles through scientific means. Rather, this treaty prohibits further nuclear testing. The United States has not conducted any nuclear tests for 7 years, and the administration has testified that we have no intention of performing any further tests. The Departments of Defense and Energy already have a substantial database of information on the more than 1,000 nuclear tests that we have already performed. And this information has been the basis for the development of the Stockpile Stewardship Program, which the high-ranking administration officials have testified is an effective mechanism for maintaining the safety and reliability of our nuclear arsenal.

Second, this treaty will help to create a worldwide nuclear status quo. Parties to the CTBT will be unable to conduct nuclear explosive tests to improve their existing weapons or develop stronger ones. This means that the nuclear arms race will be literally frozen where it is. This is beneficial to the United States for several reasons. It will allow us to maintain our nuclear superiority. It will protect us from the threat of stronger weapons in the future. And, in fact, it ensures that we will have the dubious distinction of having won the nuclear arms race.

The third point in favor of this treaty I will make is this: the CTBT is effectively verifiable. Some have argued that this treaty is not verifiable. It seems that argument echoes in these halls every time we debate an arms control treaty. But, again, that argument rings hollow. Verification is a tricky thing. All treaties, including arms control treaties, are largely based on good faith among the parties to them. Good faith in the sense that the parties who have ratified the treaty have promised to comply with the treaty's provisions. Collectively, the parties have agreed to a set of provisions, in the case of the CTBT to not perform nuclear tests. Alone, a country can decide to no longer perform nuclear tests—as the United States has already done—but no other nation knows for sure if that country is living up to its promise.

Under a multilateral treaty such as the CTBT, all parties have agreed to the provisions and are subject to a verification regime that otherwise would not exist. The CTBT says that if one party to the treaty has evidence that a test has occurred, that party can request an onsite inspection. This inspection will occur if 30 of the 51 members of the CTBT's Executive Council agree that the evidence warrants such an inspection. This type of onsite inspection cannot occur outside the CTBT regime, Mr. President. And this inspection will allow the parties to the treaty to obtain information that cannot be obtained outside the treaty regime.

No one here will claim that any treaty is 100 percent verifiable or that some countries may try to cheat. But the Pentagon has said that this treaty is effectively verifiable. And that is the key. The International Monitoring System created by this treaty includes 230 data gathering stations around the world in addition to those already operating in the United States. Last week, Secretary of Defense William Cohen told the Senate Armed Services Committee that ''the information collected by these sensor stations would not normally be available to the U.S. intelligence community.'' In addition to this enhanced capability, the United States is also permitted, under the provisions of the treaty and in accordance with international law, to use our own national technical means to detect nuclear tests.

Mr. President, some people say that, because the United States has already made the decision not to do any further nuclear testing—and indeed that we have not tested in seven years—that this treaty is unnecessary. They claim that the CTBT merely reinforces what we have already done and that there is no real benefit to our ratification. In fact, as many of my colleagues have already addressed during this debate, and as I have already noted, there are many benefits to this treaty. We retain our leadership in the arms control arena. We maintain our nuclear superiority. And, importantly, we gain the ability to request and participate in onsite inspections of suspected nuclear testing abroad. And, if the President is unable to certify that our nuclear arsenal is sound, we have the option to withdraw from the treaty.

Mr. President, in urging my colleagues to support this important treaty, I will again quote President Kennedy:

> The United States, as the world knows, will never start a war. We do not want a war. We do not now expect a war. This generation of Americans has already had enough—more than enough—of war and hate and oppression. We shall be prepared if others wish it. We shall be alert to try to stop it. But we shall also do our part to build a world of peace where the weak are safe and the strong are just. We are not helpless before that task or hopeless of its success. Confident and unafraid, we labor on—not toward a strategy of nuclear annihilation but toward a strategy of peace.

Thank you, Mr. President.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. WARNER. Mr. President, I yield to the Senator from Arizona such time as he may consume.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Thank you, Mr. President.

Mr. President, a number of us have concluded that we cannot support ratification of the CTBT, that it will be defeated. But some have urged that we put the vote off out of concern that rejection would send an undesirable message to the world.

I believe, however, that we should vote precisely because the world would get a desirable message that the Senate took a stand that treaties such as this must meet at least minimum standards for sensible arms control. The CTBT fails that test. It is a sloppy, altogether substandard piece of work, and it deserves rejection.

Our colleague, DICK LUGAR, opposes the CTBT ratification, as he has explained, because he does not believe the treaty is of the same caliber as arms control agreements that have come before the Senate in recent decades. He cites two of the CTBT's many deficiencies: ''an ineffective verification regime and a practically nonexistent enforcement process.''

Contrary to what treaty supporters have argued, the CTBT's rejection would strengthen the hands of U.S. diplomats on such matters in future negotiations. When they insist on more effective provisions, citing the need to satisfy a rigorous U.S. Senate, their warnings would become credible and influential. Such warnings would help free the United States from having to go along with wrong-headed treaty terms dictated by countries that lack U.S. responsibilities around the world.

I note that as a good example of our negotiators changing their position from that originally supported by the administration to go directly to the heart of key objections to this particular treaty. As you know, no President had ever sought a zero-yield test ban treaty in perpetuity. In this case, the Joint Chiefs of Staff argued that we should not have such a treaty.

The original position of the administration in the negotiations was to grant the United States an option without having to invoke the supreme national interest clause to retire from the treaty after 10 years and not to insist upon a zero-yield but, rather, to permit low-yield, what are called hydronuclear tests. Over time, our negotiators' position was undercut, and in the end, according to the very people who negotiated the treaty, in order to reach an agreement with other countries, the United States conceded on those and other important points. Those are two of the critical deficiencies in this treaty.

By rejecting the treaty now, the Senate would strengthen the hands of our future diplomats who negotiate these arms control agreements to enable them to make the point to their counterparts that the United States is serious about treaties at least achieving minimal standards; we consider these to be the kinds of minimal standards that are necessary to bind the American people; and those negotiators would know that Senate ratification would not occur unless the terms were as proposed by the United States.

As I said, no other President ever supported a zero-yield treaty, let alone one that would bind the United States forever, and neither should the Senate.

If we proceed today to reject the CTBT, future U.S. negotiators will be more inclined to seek the Senate's advice before the deal is finalized and the administration demands our consent. This will serve the U.S. national interests in various ways.

First, the Senate was never intended to be a rubber stamp, approving any ill-advised treaty negotiated by an administration. Our constitutional duty in treaty-making is to perform the equivalent of quality control. Under the Constitution, the Senate's role is of equal stature with the President's. We in the Senate are entitled—indeed, we are obliged—to second guess the President's national interest calculations regarding treaties.

There would inevitably be complaints from abroad, including from friends, if we upset the CTBT apple cart. But that unpleasantness would be minor and transitory, especially in light of the permanent harm the CTBT would do to our national security. The embarrassment of the President for buying into such a flawed treaty in the first place is not desirable, but the Senate cannot avert it at any price.

Consider again Senator LUGAR's words:

> [The CTBT] is problematic because it would exacerbate risks and uncertainties related to the safety of our nuclear stockpile.

Those are the stakes, and they are serious. That crucial observation should put into perspective the issue of likely complaints from foreign foes and friends.

The Senate must fulfill its constitutional duty to ensure that treaties meet at least minimum standards. We do the Presidency no favors by shirking, and we do the Senate and the Nation harm if we accede to the President's diplomatic recklessness simply to spare him the chore of mollifying the other states that forged the flawed treaty.

A query to my colleagues who are interested in delaying this vote to avoid the embarrassment of rejecting a treaty negotiated by the administration: Will the Senate defer to the President on the Kyoto Global Warming Treaty or the ABM multilateralization or demarcation treaties?

Some administration spokesmen have used the offensive argument that Senate rejection of the CTBT would be a message to the world that we are not serious about arms control. To the contrary, rejecting this treaty will help establish that we demand real arms control—not the show, not the empty symbols, not the flimflam treaties that cannot accomplish their purposes. In rejecting the CTBT, we will be asking the world to join in real antiproliferation measures, such as enforcement of the nonproliferation treaty which Russia, China, and North Korea violate every time they spread nuclear weapons technology.

I quote again from Senator LUGAR:

> If a country breaks the international norm embodied in the CTBT, the country has already broken the norm associated with the nonproliferation treaty.

Mr. President, that is because 185-some nations have agreed not to possess these nuclear weapons, except for the nuclear powers. The testing is simply a redundant violation of the possession in the first place, which is already a violation of the NPT. So this treaty won't accomplish its minimal objective.

Second, enforcement of the United States resolutions requiring inspection of Iraq: It would be very helpful if our allies would help in this very meaningful and important activity rather than undercutting the United States at every turn.

Again, Senator LUGAR hit the point squarely:

> The CTBT verification regime seems to be the embodiment of everything the United States is fighting against in the UNSCOM inspection process in Iraq . . . [which is] best not repeated under the CTBT.

Third, perhaps we could get their support in our efforts to free U.S. policy from the dead hand of the ABM Treaty and to deploy missile defenses.

These are real, meaningful actions against the proliferation of weapons of mass destruction rather than empty symbolic gestures.

In asking the Senate to postpone the vote on this treaty until he has the votes, the President is asking, first, to spare him personal embarrassment; and, second, to give him a chance to bind the United States to a treaty that most do not think should ever go into force. The CTBT will not improve with age.

Most Senators would have been content never to have voted on the treaty. But the President has now denied the Senate that option. He will not agree to forbear demanding consideration of the treaty next year when he hopes to have the votes to pass it. Republicans have not politicized this debate, but it is clear that unless we defeat this treaty now, it will be a political issue next year when allegedly changed circumstances—created, for example, by a new test by India or Pakistan—will give the President the pretext to revive the debate.

It has become clear that the assurances we may now get from the President and our Democratic colleagues will not be the ironclad commitments we recently agreed were necessary to induce the Senate to defer this vote.

Therefore, to avoid the President politicizing the issue next year, we should vote now.

Sometimes it is necessary to say or do the right thing and just let the chips fall where they may. Ronald Reagan knew he would ruffle lots of foreign feathers—including some of our respected allies—when he called the Soviet Union an evil empire and when he stood his ground against Gorbachev in Reykjavik in favor of strategic defense. These messages he sent were criticized by many as disruptive. They were sound. They served our national interests and the interests of decent people around the world, and history has judged them favorably.

The Senate now has a chance to demonstrate strength and the good sense worthy of Ronald Reagan. If we do it, we will be flouting much conventional thinking, but we will, in fact, enhance our Nation's diplomatic strength, protecting our national security and vindicating the wisdom of America's founding fathers who assigned to the Senate the duty to protect the country from ill-conceived international obligations.

Let the Senate vote to reject the CTBT.

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

Mr. KERREY. Mr. President, in the waning days of his administration, President Eisenhower proposed a test ban treaty to end all nuclear tests in the atmosphere, in the oceans, and under the ground. Nearly four decades later, the Senate stands on the verge of a vote on ratification of the Comprehensive Test Ban Treaty. I will vote in favor of ratification. I regret the move to postpone a vote because I am of the firm conviction this treaty will help end the proliferation of nuclear weapons and increase the safety of the American people.

President Eisenhower proposed the test ban having recognized the increasing danger posed by nuclear weapons. At that time, the threat was very real. The American people had a vivid understanding of the devastating consequences of nuclear weapons.

Those of us in our fifties remember the threat and the fear that we had as children—the duck and cover drills, the constant reminders of the devastation that a single nuclear weapon could produce to our cities and to our communities. In many ways, the problem we have today comes from our success because the fear we once had has been displaced by a false sense of complacency, a sense of security that, in my view, is not justified, given the facts.

I would like to illustrate this danger by a realistic scenario, in my view, with a single Russian nuclear weapon. It is possible for a small band of discontented or terroristic members of either the Russian society or some other nation to raid a silo of Russian missiles in the Russian wilderness. Soldiers who are poorly trained, sparsely equipped, and irate at not having been paid in a year are easily overtaken or are willing to cooperate.

Let's pick one city to illustrate the damage. I, again, call to my colleagues' attention that this kind of game playing, this kind of example was quite common as recently as 10 years ago. But today, when you ask what kind of damage could occur as a result of a single nuclear blast, you are apt to have people scratching their heads, wondering what could happen. So let me take Chicago as an example.

First of all, unlike many of the other threats in the world, if a rocket left Russia, it would arrive in Chicago within an hour, probably taking a trajectory over the top of the world across the Arctic pole. It would detonate in Chicago within an hour, and on a bad day it would hit a target within a few hundred yards off Lake Michigan.

We spent a great deal of time assessing the danger of the nation of China. Their missiles are not connected to their warheads. Their warheads are disconnected; they are not together. It would take them several days and they are not targeted with the accuracy and would not arrive with the same swiftness as an unauthorized or accidental launch coming from Russia.

The first effect of the blast would be the nuclear flash. The air would be heated to 10 million degrees Celsius. The blast would move out at a few hundred kilometers a second and its heat would be sufficient to set fire to anything combustible at a distance of 14 kilometers. People within 80 kilometers would be blinded. The blast effect would follow. It would travel out from ground zero. Within 3 kilometers, those who had not already been killed would die from this percussive force.

The details of this kind of a blast needs to be understood by the American people as this debate goes forward, because the good news of the end of the cold war has been replaced with the bad news that we are increasingly at risk of individuals or nonnation state people who choose to do damage to the United States of America and do not care if they die in the execution of their mission. They are willing to attack the United States of America and they are willing to take American lives without regard to the fact that they may die in the execution of their mission.

A single Russian nuclear weapon launched accidentally, or a single nuclear weapon assembled by some rogue nation and delivered by whatever the means to the United States of America, would do more damage than any other threat we currently have on the horizon. A single Russian submarine that was taken over by a similar sort of dissident faction could launch 64 one-hundred-kiloton weapons at the United States. I do not come here to alarm anybody about this. I come simply to remind people that nuclear weapons are still the only threat that could kill every single American. It would not take thousands to bring the United States of America to its knees. It would not take the kind of total attack we once feared from the Soviet Union to bring America from being the most powerful economic and military force on the Earth to being somewhat short of No. 1, not only putting us at increasing risk but putting the rest of the world at risk as well.

CTBT is by no means the only thing we must do in order to reduce the risk of proliferation. I would like to go through a few ideas prior to talking about both our capacity to verify and the confidence I have that we can maintain our stockpile without the need to test.

First, we have to maintain our intelligence capabilities: our ability to collect intelligence, to process, to disseminate, to deliver that intelligence to warfighters is far and away the best in the world. Talk to our allies in Kosovo, in Bosnia, in Desert Storm; talk to any of those whose lives were at risk and were allied with the United States of America in a military effort and they will tell you our intelligence collection and dissemination capability gave us the capacity to do the impossible.

Our intelligence agencies, from time to time, make very highly publicized mistakes. Unfortunately, the publicity given to those mistakes gives some a lack of confidence in our capability of doing our mission. That lack of confidence is misplaced. We are an open society. As a consequence, we tend—correctly so—to examine the things we do when we make mistakes. Unfortunately, at times it produces a situation where we are afraid of doing things because we are worried we are going to make a highly publicized mistake and therefore that mistake is going to ruin our career or make it difficult for us to advance. As a consequence, we sometimes are a little too cautious.

Americans should not suffer the illusion we currently have the intelligence capacity to know everything that is going on in the world; we simply do not. Indeed, we should not. We are not, as well, allocating enough resources, in my view, to make certain policymakers of the future are informed so conflicts that might occur can be avoided and so nuclear threats can be confronted before they emerge to be challenges.

The second tool that must be maintained to confront the emerging nuclear threat is not only a strong military but an intent to use that military to meet any individual or nation state that threatens the United States of America. Our military is the envy of the world. While we must avoid the temptation of using our military forces in situations not vital to U.S. interests, we must also continue to maintain the will to use military force in instances in which our national security is at risk.

The third tool is national missile defense. I support the creation of a limited national missile defense designed

to protect the United States of America from rogue state ballistic missile launches and accidental launches. While the success of the recent test of a prototype missile defense system demonstrates that limited national missile defense is possible, we must also realize it is not a panacea for the dangers we will confront.

The fourth tool in our effort to secure the post-cold-war peace is further reductions in the American and Russian nuclear arsenals. I have argued on the Senate floor previously the President should immediately take bold action to restart the arms control process. If we do not drastically reduce U.S. and Russian nuclear arsenals, the danger of their accidental use or proliferation will increase exponentially. I recognize that deep reductions—while decreasing the chance of unauthorized or accidental launch—could actually increase the danger of material proliferation. Therefore, any such parallel reductions in our nuclear forces must include arrangements and a U.S. commitment to provide funding to secure and manage the resultant nuclear material. This is the fifth tool. We are fortunate we will not begin from scratch on this problem. We can build on one of the greatest acts of the post-cold-war statesmanship, the Nunn-Lugar Cooperative Threat Reduction Program.

The final piece of the nuclear safety puzzle is the Comprehensive Test Ban Treaty. I support the CTBT because I believe it will enhance U.S. national security, reduce nuclear dangers, and keep the American people safe. Let me explain how.

First, a fully implemented CTBT will all but halt the ability of threshold states from establishing an effective and reliable strategic nuclear force. The inability of nations such as Iran and North Korea to conduct nuclear tests will make it much less likely for them to become nuclear powers. Along the same line, the inability of existing nuclear states to conduct further nuclear tests will impede, if not stop, their efforts to make technological advances in yields and miniaturization, advances already achieved by the United States.

Bluntly speaking, we have the most effective and deadly nuclear force in the world. Therefore, to maintain our existing nuclear edge, it is in our interest to ratify the CTBT and to halt the nuclear development advancement of other nations.

In addition, we all have experienced coming to this Chamber to vote on a sanction imposed upon an individual nation as a consequence of us judging correctly that that nation poses a threat and, in many cases, a potential nuclear threat to the United States of America.

We struggle with that vote because we know a unilateral sanction by the United States of America will oftentimes be used by our allies as a means for them to capture the market share of some product we were selling to that nation. With this treaty, it is far more likely the Security Council will support multilateral sanctions that will enable us to get the desired effect without us having to suffer adverse consequences as a consequence of unilateral sanctions.

In the post-cold-war era, nuclear weapons have become the Rolex wristwatch of international security, a costly purchase whose real purpose is not the service it provides but the prestige it confers. Ratification and implementation of the CTBT is in our national security interest precisely because it will help slow the expansion of the nuclear club and make it more difficult for nations to acquire these deadly weapons.

Opponents of the CTBT focus their criticisms on two main points: verifiability of the treaty and the safety of our nuclear stockpile. Let me address each of these issues separately.

First, we can effectively monitor and verify CTBT. I purposely say ''effectively monitor and verify'' because absolute verification is neither attainable nor a necessary standard. But it is the standard that some have attempted to establish as a benchmark for ratification. No treaty is absolutely verifiable.

My support for this treaty comes from my firm conviction that by using existing assets, the United States can effectively monitor and verify this treaty. I base my convictions on the testimony of Gen. John Gordon, Deputy Director of Central Intelligence, and on the briefings on this topic received by the Intelligence Committee over the years and, most important, the performance of those men and women who work in a variety of agencies whose task it is to collect, to process, to evaluate, to analyze, and to disseminate intelligence to national customers, as well as war fighters who are defending the people of the United States of America.

The United States has the capability to detect any test that can threaten our nuclear deterrence. The type of test that could be conducted without our knowledge could only be marginally useful and would not cause a shift in the existing strategic nuclear balance. In addition, the United States has the capability to detect the level of testing that would be required for another country to develop and to weaponize an advanced thermonuclear warhead.

Our intelligence community is the best in the world. This gives us an enormous lead over every other signatory. Public disclosures of intelligence community problems may have shaken confidence in our intelligence capabilities, but let me assure my colleagues that their confidence should not be shaken. U.S. intelligence has the ability to know what is occurring around the world regarding the development of nuclear weapons. It is our intelligence community that largely gives Secretary Cohen and General Shelton their confidence to say the treaty should be ratified because it is in our national interest to do so.

I will briefly describe how we will know what is happening when someone tries to cheat. I will use all caution to make certain I give away nothing that will provide our enemies with indications of what our sources or our methods are, but I urge colleagues who doubt this to get full briefings on what our collection capability is and what we are able to do to determine whether or not somebody is in violation of this treaty.

I will briefly describe, as I said, and because the existence of this highly secretive organization, the National Reconnaissance Office, has finally been declassified—we are able now to admit that from space, the United States can see you and can gather signals intelligence. I urge colleagues to get a full briefing on what the NRO can do in a classified fashion. I believe my colleagues fully understand the significance of what I just said.

Every part of the globe is accessible from space. There you will find satellite reconnaissance either watching or collecting electrical signals from those who would do damage to the United States of America. That is a tremendous capability that no one else can equal. This global accessibility from space is just one feature of a very complicated and complex system of collecting and analyzing information.

The National Security Agency is a second feature. They exploit foreign communications. That is the official unclassified description of its mission: NSA exploits foreign communications. Recently, Hollywood has enjoyed making a couple of movies showing how NSA is a threat to our Nation. Nothing could be further from the truth. It is a Hollywood make-believe story that is completely inaccurate and false. NSA is not a threat to us. If you are an unfriendly foreign government wanting to cheat on CTBT, NSA is certainly a threat to you.

To quote from their official unclassified agency description: ''They are on the cutting edge of information technology.'' They know what is going on in the explosion of information technology.

There is a third area beyond NSA, and that is called MASINT. It is a pretty strange term for most people. It means measurement and signatures intelligence, the recognition that in addition to being seen and being heard, objects, especially electronic objects, have other signatures. Like your personal signature—if we collect enough information about someone's signature, it is not like anything else, it is unique, and we know exactly what it is, and we are collecting MASINT.

The Central Intelligence Agency gives us a fourth important feature. The CIA employs a network of agents around the world who constantly provide what is called HUMINT, human intelligence. HUMINT is a term of art

which simply recognizes people tend to talk, and when they do talk, we try to have an agent listening. If an agent hears something, it is fed into a fifth and important feature of the agency, and that is the CIA Directorate of Intelligence.

The men and women of the CIA DI sift through enormous amounts of data every day and separate fact from fiction, truth from lies. Through their analysis of all intelligence sources, they provide policymakers with crisp statements of what our potential adversaries are doing and not doing. If information is out there to get, we will get it. If it is important, we will analyze it and understand it. Once we understand it, policymakers will make sound decisions if someone decides to cheat on the CTBT.

I am trying to paint a picture of just how sophisticated our intelligence community is. It is a community that on occasion has been fooled, but it has not been fooled often, and it has rarely been fooled for very long. We have a world-class intelligence capability. We can count on the intelligence community to monitor the CTBT and effectively verify it.

A second argument that has been used against the treaty by some is based upon the suspension of nuclear testing required by the CTBT and the argument that this will jeopardize the safety and reliability of the U.S. nuclear weapons stockpile. I have an extremely high level of confidence in the nuclear stockpile even without continued testing.

The science-based Stockpile Stewardship Program, on which the United States is spending $4.5 billion a year, is maintaining our technological edge without the need for further testing for the foreseeable future. This program is based on the most advanced science in the world. It is based on over 50 years of nuclear experience. It is based on the results of over 1,000 American nuclear tests. It is a program that relies on the ability and ingenuity of U.S. scientists to maintain our nuclear edge. But it is also a program that recognizes the need to build in adequate safeguards to ensure safety and reliability.

The Stockpile Stewardship Program requires a rigorous annual review of the entire nuclear stockpile. As a part of this regime, both the Secretary of Defense and the Secretary of Energy must certify to the President on an annual basis the stockpile is safe and is reliable. Should either Secretary be unable to offer this certification, the President, in consultation with Congress, is prepared to exercise the right of the United States to withdraw from the treaty and to resume testing.

The United States has not conducted a nuclear test for over 7 years, but the American people should understand our nuclear stockpile is safe. Both the safeguards and the science exists to continue to assure its safety well into the future. And since we have made the decision we do not need to test, it only makes sense that we use the CTBT to end testing throughout the world.

Reflecting on his time in office, and his failure to achieve the goal of a nuclear test ban, President Eisenhower stated: ''Disarmament . . . is a continuous imperative. . . . Because this need is so sharp and apparent, I confess I lay down my official responsibilities in this field with a definite sense of disappointment.''

The Senate now has the opportunity to ratify the Comprehensive Test Ban Treaty. We should ratify this treaty because, just as when it was first proposed nearly 4 decades ago, it is a positive step toward reducing nuclear dangers and improving the safety of the American people.

I yield the floor.

Mr. BIDEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. Mr. President, I see my friend from the great State of Montana is up to speak. I ask the chairman of the——

Mr. SPECTER. Will the Senator from Delaware yield for a question?

Mr. BIDEN. Yes, I would be happy to yield.

Mr. SPECTER. Mr. President, the question that I have for the Senator relates to the letter from President Clinton to our distinguished majority leader, Senator LOTT, where President Clinton has asked that the Senate not consider consideration of the Comprehensive Test Ban Treaty.

I believe it is very much in the national interest that we not vote on the treaty today because it would undermine national security by sending a message to the world that we are not for this treaty. I think it would encourage nations such as India and Pakistan, and perhaps rogue nations such as Libya, Iraq, and Iran, to test.

But the first of two questions which I have for the Senator from Delaware is whether the President might go further. The Senator and I attended a dinner last Tuesday night with the President. We both had occasion to talk to the majority leader and have heard the public pronouncements. The majority leader has set a threshold, asking that the President commit in writing that he would not ask to have the treaty brought up next year. I believe we have to find a way to work this out so the treaty is not voted on.

The first question I have of the Senator from Delaware is, What are the realities of getting the President to make that request? He has come pretty close in this letter. Why not make that additional request?

Mr. BIDEN. In response to my friend from Pennsylvania, I will say that I, obviously, cannot speak for the President. But he has gone awfully far. He says: ''I believe that proceeding to a vote under these circumstances would severely harm the national security of the United States, damage our relationship with our allies, and undermine our historic leadership,'' et cetera. ''Accordingly, I request that you postpone consideration of [this] Test Ban Treaty on the Senate floor.''

Unless there is something incredible that is likely to happen in the next 8 months, the President is not going to be—and I realize this is a legitimate worry on the part of some; that the President will wait until the middle of an election year and raise a political issue by forcing people to vote for or against this treaty—but the likelihood of changing the votes of 22 Republican Senators between now and the election is zero, I would respectfully suggest.

So what the President has done here is done the only thing I think a chief executive—Democrat or Republican—should do; that is, he did just as Jimmy Carter did when he asked for SALT II to be taken down. He did not make a commitment he would not try to have it brought up. That is not what his letter said. What he said is: Bring it down. Don't vote on it now. It is not in the national interest.

To have a President of the United States say, the treaty I, in fact, negotiated—I want to go on record as saying you should not consider it at all during the remainder of my term in office, surely damages his ability to deal internationally.

So I think he is observing the reality of the circumstance, which means that there will be no vote next year on the floor of the Senate—for if that were the case, you might as well go ahead and have the vote now.

The letter Jimmy Carter sent—and I shall read it—said:

> In light of the Soviet invasion of Afghanistan, I request that you delay consideration of the SALT II Treaty on the Senate floor.
>
> The purpose of this request is not to withdraw the Treaty from consideration, but to defer the debate so that the Congress and I as President can assess Soviet actions and intentions, and devote our primary attention to the legislative and other measures required to respond to the crisis.
>
> As you know, I continue to share your view that the SALT II Treaty is in the national security interest of the United States and the entire world, and that it should be taken up by the Senate as soon as these more urgent issues have been addressed.
>
> Sincerely,
>
> JIMMY CARTER.

This letter of the President of the United States—this President—goes a lot further than President Carter went in pulling down SALT II. But for the President to go beyond that, it seems to me, is to be beyond what we should be asking any executive.

The Senator from Virginia has worked mightily to try to resolve this. He has gone so far as to draft a letter which a number of Senators are likely to sign, if they have not already signed, saying: In addition to the President asking this be brought down, we the undersigned Senators ask that it be brought down. And we have no intention of bringing that treaty up next year. We do not think the treaty should be brought up in the election year.

To make the President, from an institutional standpoint, guarantee that

he is now against the treaty that he ratified, it seems to me, is to be going beyond institutional good taste.

Mr. HELMS. Will the Senator yield?

Mr. BIDEN. For a question, I would be happy to yield.

Mr. HELMS. I want to ponder a question to the Chair.

Mr. BIDEN. Surely.

Mr. HELMS. It was my understanding—perhaps mistakenly—that we were to go from side to side in our discussions. If that is not the case, I ask unanimous consent that it be the case, when both sides are on the floor seeking the floor.

The PRESIDING OFFICER. The Chair will respond. There has been a unanimous consent request that has been agreed to that to the extent possible that will be done. In this case, the ranking member sought recognition, and no other person sought recognition.

Mr. HELMS. The Senator has been on his feet 20 minutes here. And two Senators have taken the floor from him. I want it to be understood I do not want that to happen again.

Mr. BIDEN. Mr. President, it was not my intention—I thought the Senator from North Carolina, in effect, acknowledged that I should take the question from the Senator from the State of Pennsylvania. I apologize.

Mr. HELMS. I did not think it would be four questions.

Mr. BIDEN. Mr. President, I am not propounding the questions. I am just trying to answer the question. I hope I answered the Senator's question.

Mr. SPECTER. I believe I asked one question.

Mr. BIDEN. Yes.

Mr. SPECTER. I had one more.

I believe I asked one question. I had one more. I would like leave to ask one more question.

The question I have for Senator BIDEN is, Is there any other way procedurally that this vote can be put off? We are considering the treaty. There is a unanimous consent request, and while I do not agree with what the Senator said in his first response—I believe the President can say more without being against the treaty. And I believe there are political considerations which are behind not having the matter brought up in fair consideration to Senator LOTT's request there be a commitment not to take it up all year. I think it highly unlikely that there would be a shift among Republicans on a procedural matter to find 51 votes—50 votes plus the Vice President. But we are dealing here with matters of extraordinary gravity. I hope this matter can be worked out short of a procedural vote.

But I direct this question to the Senator from Delaware, whether there is any other procedural alternative to getting this vote off the Senate agenda.

Mr. BIDEN. Mr. President, I will respond very briefly and then yield to my friend from North Carolina.

My knowledge of Senate procedure pales in comparison to the Senator from North Carolina. I am not being solicitous. That is a statement of fact. But it is my understanding that the only procedural means by which we could move from this treaty to other business without a vote would be if there were a motion to move from the Executive Calendar to the legislative calendar. That would, as I understand it, require 51 votes. That is the only thing of which I know. I do not know if anyone is going to do that.

Mr. HELMS. Will the Senator yield?

Mr. BIDEN. I yield the floor to my friend.

Mr. HELMS. I ask the Parliamentarian for his views on it now, to get that settled.

The PRESIDING OFFICER. The Parliamentarian advises that the Senator's statement is correct.

Mr. BIDEN. Mr. President, that may be the first time my procedural judgment has ever been ruled to be correct on the floor of the Senate. I am very happy the Senator suggested I ask that.

Mr. HELMS. I think the Senator has forgotten many times when he was correct.

Mr. BIDEN. The Senator is very nice to say that. Seldom procedurally. I yield the floor.

Mr. HELMS. I ask the distinguished Senator from Montana, who has been awaiting a chance to speak, be recognized for such time as he may require.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BURNS. I thank the chairman of the Foreign Relations Committee and the Chair.

I listened to the exchange. It is very interesting. Why we are in this debate was not initiated by this side of the aisle. This whole process was not initiated by this side of the aisle. It was a reaction that was initiated by our friends on the other side. That is irrelevant right now. What is relevant is our Nation's security and the merits of this treaty and how it affects us and our national security. We have but one deterrent for the safety of the people who live in this country, and that is our reliable nuclear capability. Once it is questioned, then our ability to deter in this world of uncertainty would be damaged.

I rise to record my opposition to Senate passage of the Comprehensive Test Ban treaty. This treaty bans all nuclear testing forever. Thus, it is a ban on ''bang'' for all time; it is not a ban on bombs. No one ought to be under the illusion that this treaty ends nuclear weapons development by America's foes. At home, an essential part of the administration's plan to implement the treaty is a ''safeguards package''. The mere existence of the safeguards package speaks for itself: without them, the treaty poses too many risks. Unfortunately, the treaty we are asked to vote upon contains none of the safeguards because the terms of the treaty expressly preclude making the safeguards package part of the treaty. In other words, the treaty prohibits meaningful reservations. Consequently, we are asked to bet on the come that the administration can deliver all that is promises in the safeguards package, not only in the next few years but far into the future. We are told that the Joint Chiefs of Staff support the treaty with the safeguards and is unable to comment on the merits of the treaty without the safeguards. I fully understand the Chain of Command. Our leaders also understand the Chain of Command. We do not have to read too much between the lines to conclude that without the safeguards package, this treaty poses unacceptable risks to our national security.

A total ban on all nuclear testing for all time has never been supported by prior Presidents-and for sound reasons. This administration's best sales pitch for a total ban on bangs for all time is that it is an important step in the direction of doing away with the threat of nuclear war. This is a nice dream and a great idea for another planet. But on earth it is a downright dangerous false hope. The complete ban treaty has a fatal flaw in the real world: the treaty is unenforceable. In one sentence, the fatal flaw is that violations cannot be verified.

The best intentions humans can conceive are of no use if the treaty is not implemented not only by us but also by the other nuclear players. And what is the score? Well Russia and China have not ratified this treaty and they are unlikely to do so. Even if they did, either one could veto any attempts at enforcement by the U.N. Security Council. North Korea did not even participate in the negotiations about the treaty. India and Pakistan have not signed on to the treaty. The score on rogue nations such as Iraq and Libya varies but we have to ask whether they could be trusted to keep their commitments anyway. The administration has, once again, gone off and negotiated a deal that is not acceptable to the Senate. I suppose the White House media spin will again be that the United States will suffer a loss of world leadership if the Senate does not buy this pig in a pike treaty. Well maybe the negotiators should have thought of that before they put American's credibility on the line. The spinmeisters should re-read our Constitution. Treaties must be acceptable to two thirds of the Senators. That requirement has been there since the founding of the Republic. The White House should not pretend to be shocked when the Senate turns down a treaty that it does not like because the treaty has no teeth. there are too many undefined characters in the world who are unaffected by this treaty.

This treaty is not a good idea for a number of other reasons. The agreement puts international handcuffs on nuclear technology testing by the United States. Our country needs to have access to the testing of current and possible future nuclear weapons,

defensive as well as offensive. We know that some nations play fast and loose with nuclear weapons technology. This is not the case generally in the United States and is not the case specifically in Montana where we maintain many Minutemen III missiles. Part of the Safeguard Stewardship and Management Program proposed by the Administration to sell this treaty is to assure us that the nuclear stockpile remains safe and reliable. But tests needed to create the data base and methodologies for stockpile stewardship have not been done during the seven year moratoria our nation has voluntarily followed on testing and would not be done under the mandatory terms of the treaty before us. Simply stated, the technology for stockpile stewardship is unproven. Key safety and reliability data can only be obtained from the actual testing of weapons. We cannot take a chance on when or whether our nuclear weapons will go off. Can you imagine putting all your faith in an airplane flying right without making actual flight tests.? The pilots I know still think an aircraft has to be flown before they are convinced of its safety and reliability. Likewise, data from past tests cannot adequately predict the impacts of ongoing problems such as aging taking into account the highly corrosive nature of materials with a shelf life of 20 years. What do we do in 25 years? The administration's answer is to rely upon computer simulations or, as a last resort, to withdraw from the treaty. The stakes are too high to depend upon theoretical models and any treaty can be killed by a later law. But I submit these actions are closing the barn door after the horses are gone. Montanans as well as all Americans must have confidence in the safety and reliability of the refurbished nuclear warheads remaining in our country. Our troops in the field must also have confidence in the nuclear weapons they carry. This test ban treaty precludes us from undertaking the technology testing that is essential for keeping confidence in our nuclear deterrent capability.

The cold war may be over but the threat posed to the United States from nuclear weapons in hostile hands is far from over. Russia refuses to ratify Start II and continues to insist (along with the administration) on strict compliance with the 1972 ABM Treaty. If ever there was a lesson about not freezing nuclear technology in time, the ABM Treaty is the model. Most Americans still do not know that our country is absolutely defenseless against ballistic missile attack not only from Russia but also from any where else. There is mounting evidence that China has stolen priceless nuclear secrets from our national laboratories. Only a complete fool would think that the actions of the Chinese indicate that they would curtail their rapid advancement towards being a nuclear power, with or without this test ban treaty. Neither India nor Pakistan have signed on to this treaty and I suppose the administration will try to blame that on the Senate somehow. I submit, however, that the positions of Pakistan and India on their nuclear status have nothing whatsoever to do with this debate in the Senate. We are aware that there are half dozen rogue nations out there. They must really lick their lips when they think about America not testing nuclear weapons anymore. Who seriously thinks this treaty will slow down despots who pose current and future irresponsible and, perhaps, irrational nuclear threats to the United States? The administration is making a serious error in judgment in mixing up what States say at diplomatic conferences with what they go back home. This is not the time to handicap ourselves by assuming test ban obligations that we would keep but others would either violate or ignore.

I have been called by many representatives of other states and heads of states. I asked one question: Will the signing of this test ban treaty change the attitude of the Russians? Answer: No. By the PRC, the Chinese? No. Will it change the attitude in India or Pakistan or North Korea or other suspected rogue entities? No. Then why do we put ourselves in jeopardy by not testing?

In conclusion, I believe this treaty is fatally flawed because it is not enforceable and will be ignored by the very nations we distrust. Moreover, to retain a credible nuclear deterrent capability, we must retain our ability to test our weapon systems for safety and reliability. Therefore, this treaty hurts us while helping our potential enemies. My vote is to oppose advice and consent.

I yield the floor.

Mr. REED. Mr. President, I rise to express my support for the Comprehensive Test Ban Treaty. I believe the real question before us is whether or not the world will be safer with or without the nuclear test ban treaty. I believe we are safer.

From a very self-interested standpoint, if this treaty is adopted, it gives us the very real potential of locking all of our potential adversaries into permanent nuclear inferiority because they will not be able to conduct the sophisticated tests necessary to improve their technology, particularly when it comes to the miniaturization of nuclear warheads. It will, also, I think, contribute to an overall spirit which is advancing the cause of nuclear disarmament and also ending the proliferation of nuclear weapons.

On the other side of the coin, if we step back from this treaty today and vote it down, I think we will set back this progress in trying to reduce nuclear arms throughout the world. All of us have come to this floor with different viewpoints, but I suspect we would all say the process we have undertaken is somewhat suspect. I spent 12 years in the Army, and I learned to grow up under the rule of ''hurry up and wait.'' Well, this process resembles ''wait and hurry up.'' The President submitted this treaty to the Senate over 2 years ago. Yet for months, no action was taken. Then last week, suddenly it was announced that we would conduct a very limited debate, that we would have hastily constructed hearings, and that we would move to a vote.

I think that process alone suggests that we wait, at least—as we consider more carefully this treaty to discharge our obligations under the Constitution—for a thorough and detailed analysis of all the consequences. Indeed, this is a very complex subject matter, as the debate on the floor today and preceding days has indicated.

I believe we need to take additional time. I hope we can take additional time. But if the measure were to come before this body for a vote, I would vote to support the treaty because, as I have said, I think passing this treaty would provide a safer world. Rejecting this treaty would, I think, disrupt dramatically any further attempts at a significant comprehensive reduction of nuclear weapons throughout the world.

I think it is somewhat naive to suggest that if this Senate rejected the treaty, we could simply go back next week and begin to negotiate again on different terms. I think we would be sending a very strong and dangerous signal to the world that we, rather than carefully considering this treaty, have rejected it almost outright. I think, also, together with other developments, such as our genuine attempts to look for a relaxation of the ABM Treaty, rejection could be construed as not suggesting we are serious about nuclear disarmament but, quite the contrary, that we ourselves are beginning to look at nuclear weapons and nuclear technology in a different light, a light less favorable.

Let me suggest something else. This treaty will not prevent us from testing our nuclear technology. It will prevent us, though, from conducting tests involving nuclear detonation. We can in fact go on and test our technology. We have been testing our technology constantly over the last 7 years without a nuclear detonation.

This treaty would not ban nuclear weapons. This treaty also would provide for an extensive regime of monitoring sites—over 300 in 90 countries. It would allow for onsite inspection if, in fact, a significant number of signatories to the treaty were convinced that a violation took place. These additional monitoring sites, together with the onsite inspections, are tools that do not exist today to curb the proliferation of nuclear weapons and the development of new nuclear weapons.

There has been some discussion about our ability to monitor the development of nuclear weapons and, indeed, to monitor clandestine tests of nuclear devices. I think the suggestion has been made—and I think it is inaccurate—that a nuclear detonation could take place without anybody

knowing anything at all about it. That is not the case at all. Just last week, there was an article in the Washington Post entitled ''CIA Unable To Precisely Track Testing.'' If you read the article, it is clear that the CIA was able to detect two suspicious detonations at a Russian test site in the Arctic from seismic data and other monitoring devices. What they could not determine is whether this detonation was high explosives of a nonnuclear category or a nuclear detonation. But certainly we will have indications, if there is a clandestine test, that the possibility of a nuclear detonation has taken place. That alone will give us, I believe, the basis to go forward and ask for onsite inspections and for an explanation, to use the levers of this treaty which we do not have at this moment.

So the issue of verification, I think, is something that is quite obvious and prominent within this treaty, and the means of verification were discussed at length by my colleague from Nebraska who pointed out all the different techniques our intelligence service has to identify possible violations of this treaty and, with this treaty, to be able to press those violations in a world forum so we can ascertain whether the treaty has been adhered to or violated.

The whole notion of controlling nuclear testing is not new. Throughout this debate, my colleagues have discussed the initiatives that began as early as the 1950s with President Eisenhower. Then, in 1963, President Kennedy was able to sign, and the Senate ratified, the Limited Test Ban Treaty which outlawed nuclear explosions in the sea, atmosphere, and in outer space. In 1974, we entered into a treaty with the Soviet Union—the Threshold Test Ban Treaty—which prohibited underground testing with yields greater than 150 kilotons. In 1992, Congress passed the Hatfield-Exon-Mitchell amendment which called for a moratorium on testing. We are still observing today.

Also, I think it would be appropriate to point out that in fact for the last 7 years, we have not detonated nuclear devices. Yet each and every year, our scientists, the experts in the Department of Defense and Department of Energy, have certified that our nuclear stockpile is both safe and reliable. So the assertion that we can never assure the reliability and safety of our nuclear stockpile without testing has been disproven over the last 7 years. We have done that.

Now, I believe we can in fact maintain a nuclear stockpile that is both safe and reliable. We can do it using the new technology we are developing, including but not exclusively related to, computer simulations. We can do it by investing, as we are each year, billions of dollars—over $4 billion—so we can ensure that we have a safe nuclear stockpile and that these weapons would be reliable if we were forced to use them.

There is something else I think should be pointed out. This treaty has been endorsed and recommended to us by the Secretary of Defense, the Chairman of the Joint Chiefs of Staff, and the Secretary of Energy. These are individuals who take very seriously their responsibility for the national security of the United States. But some might suggest, well, they are part of this administration and we really know that, reading between the lines, their recommendation might not be as compelling as others.

But such logic would not suggest or explain why individuals such Gen. John Shalikashvili, a former Chairman of the Joint Chiefs of Staff; Gen. Colin Powell; Gen. David Jones; or Adm. William Crowe would in fact be supportive of the Comprehensive Test Ban Treaty. Nobody would suggest why other prominent military officers, such as John Galvin, former Supreme Allied Commander in Europe; Gen. Charles Horner, who commanded the air forces in Desert Storm; Bernard Rogers, another former Commander of NATO and Supreme Commander in Europe, would also recommend and support this treaty. These individuals are concerned about security and have spent their lives in uniform dedicated to the security of this Nation and the protection of our people. They believe, as I do, that this will be a safer world with this treaty rather than if we reject this treaty. With this treaty, I think we can curtail dramatically the development of nuclear weapons by opposing powers to the United States.

It is true that you can develop a nuclear weapon without a test. You can develop the unsophisticated rudimentary weapons that were used in World War II. But you cannot develop the sophisticated technology which is the key to strategic nuclear power without nuclear testing.

If we accept this treaty, if we join with other nations, then we will be in a much stronger position, and the world will be in a much stronger position, to ensure that countries such as India, Pakistan, and North Korea will be very challenged to develop the kind of sophisticated nuclear weapons that will alter the strategic balance throughout the world. That in and of itself, I believe, will make it a safer world.

Of course, the elimination of testing will have a positive environmental effect. Even though our tests now throughout the world are restricted underground, there is always the possibility of leakage of radioactive material. And we know how devastating that can be.

There are those who have been here today who argued that we should reject this treaty because it is not 100 percent verifiable. I would suggest that we can, in fact, verify this treaty—that 100 percent is not the standard we would reasonably use. As I have indicated previously, we have already detected what we suspect are suspicious detonations in Russia. We would be even better prepared to do that with 300 more monitoring stations in 90 countries around the world. In fact, we would then have an international forum to take our complaints and to force an explanation, and, if necessary, an onsite inspection of a test.

I think we have an obligation to carefully review and consider this treaty. I believe that we do. And that consideration would be enhanced by additional time. I think it would be appropriate to take additional time. But it would be a terrible, I think, disservice to the process of nuclear disarmament, of nuclear nonproliferation, and of a saner world if we were to reject this treaty out of hand. And the world is watching.

President Clinton was the first head of state to sign this treaty. One-hundred and fifty nations followed. Forty-one nations have ratified the treaty, and several more, including Russia, are waiting again for our lead in ratifying. Unless we are part of this treaty, this treaty will never go into effect because it requires all of the nuclear powers—those with nuclear weapons or with nuclear capabilities—to be a party to the treaty before it can go into effect. I hope we either in our wisdom consider this more, or in our wisdom accept ratifying this treaty.

Thirty-six years ago when the Limited Test Ban Treaty came to this floor, a great leader of this Senate, Senator Everett Dirksen, was one of the forces who decided to take a very bold step that was as equally daunting and challenging as the step we face today. His words were:

> A young President calls this treaty the first step. I want to take a first step, Mr. President. One my age should think about his destiny a little. I should not like to have written on my tombstone, ''He knew what happened at Hiroshima, but he did not take a first step.''

The treaty is not the first step. But it is, I believe, the next logical step that we must take. I believe none of us want to look back and say that we were hesitant to take this step, that we were hesitant to continue the march away from the nuclear apocalypse to a much saner and a much safer world.

I yield my time.

The PRESIDING OFFICER. Who yields time?

Mr. HELMS. Mr. President, I yield time to the Senator from Kentucky.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. BUNNING. Thank you, Mr. President. I thank Senator HELMS.

Mr. President, this whole debate reminds me of what the great philosopher Yogi Berra once said: It is like ''deja vu all over again.''

I thought we pretty well settled this argument years ago—back in the 1970s and the 1980s—when the idea of unilateral disarmament through a nuclear freeze was proposed as the only way to end the nuclear arms race between the United States and Russia. We rejected the nuclear freeze concept. We put national security first. We won the cold

war, not through unilateral disarmament and symbolic gestures but through strength, and we defeated the evil empire. The world is safer and we have been able to substantially reduce the number of nuclear warheads and the threat of nuclear conflict.

So it is difficult to understand why this argument is back before the Senate today. It is difficult to understand why a U.S. President is back before us asking us to ratify an agreement which would tie this Nation's hands behind its back and jeopardize our national security.

None of us support nuclear war. We are all against nuclear proliferation. But agreeing to forego all future testing of nuclear weapons is not the way to get there. It is a matter of national security, of safety, and of common sense.

Because we refused to accept the siren call of the nuclear freeze movement in the 1970s, we won the cold war, and we have subsequently been able to reduce our arsenal of nuclear warheads from 12,000 to 6,000 under the START II treaty. The number is expected to be reduced further to 3,000 warheads by the year 2003. But despite these reductions and this progress, the United States must maintain a reliable nuclear deterrent for the foreseeable future.

Although the cold war is over, significant threats to our country still exist. At present, our nuclear capability provides us a deterrent that is critical to our Nation and is relied on as a safety umbrella by most countries around the world.

As long as our national security and our own nuclear deterrent rely on the nuclear capability, we must be able to periodically test our existing weapons as necessary to ensure their reliability and their safety.

Reliability is essential. If our nuclear weapons are not reliable, they are not much of a credible deterrent, and the nuclear umbrella that we and our allies count on for our mutual defense will have gaping holes in it.

We have to face reality. Our nuclear stockpile is aging. Our nuclear inventory is older than it has ever been, and nuclear materials and components degrade in unpredictable ways—in some cases causing the weapons to fail. Without testing, those potential problems will go undetected. Upgrades will not be possible. Reliability will suffer.

Safety is also essential. A permanent ban on testing would jeopardize the safety of our nuclear arsenal by preventing us from integrating the most modern advanced safety measures into our weapons. Even now our nuclear arsenal is not as safe as we can make it. Of the nine weapons systems currently on hand, only one employs all of the most modern and secure measures available. Safety modifications of this kind would require testing to make sure they worked as intended.

Sure, advocates of this treaty argue there are some other measures of testing a weapon—safety and reliability. The Clinton administration has proposed an ambitious program known as the Stockpile Stewardship Program which would use computer modeling and simulations to detect reliability and safety. However, many of the components of this system are unbuilt and untested. The National Ignition Facility, which is the centerpiece of this program, is not scheduled to be completed until the year 2003. There are already reports that it is years behind schedule. It would be foolhardy to entrust our nuclear security to an unproven program which probably won't even be fully operational by the year 2010. Reliability and safety: There must be certainty; at this point only live testing provides that kind of certainty.

This treaty is based on a very noble, well-intentioned goal. There is no question that if the Senate were to ratify this treaty, it would be a grand symbolic gesture, but noble goals and symbolic gestures are no substitute for good policy and hard reality.

I have already talked about a couple of reasons why this treaty is not good policy—safety and reliability. But there are a couple of other reasons this treaty fails the hard-reality test, as well: Verification and enforcement. The hard reality is that the United States usually tries to live up to the agreements it signs. If we ratify this treaty, we will live by it; we have no guarantee other nations will be so inclined to follow the letter of the law.

Under this treaty, verification would be very difficult and enforcement would be impossible. It has no teeth. It is difficult now to detect nuclear tests with any confidence, and the verification monitoring provisions in this treaty don't add to that confidence level at all. Yes, we could request on-site inspections if we thought someone had been cheating, but that request would have to be approved by a supermajority in the 51-member executive council. In addition, each country under the treaty has the right to declare 50-square-kilometer areas off limits to any inspection.

Even if we did catch a cheater, the treaty has almost no teeth—possible trade sanctions. That's it, possible trade sanctions. And we know how difficult it is to maintain multilateral trade sanctions against Iraq, a country that blatantly invaded and looted a neighboring country and which consistently defies international inspection teams. No one can believe we would be more effective at enforcing sanctions against more responsible nations of greater commercial importance such as India and Pakistan. There are no teeth.

That brings us back to the hard reality. Would we obey the treaty? Yes, we would obey the treaty because that is the way we are. And others would obey the treaty if it suited their whims of the moment. The hard reality is if we ratify this treaty, we sacrifice our national security, jeopardize the safety and reliability of our nuclear arsenal. And what do we get in return? A noble, symbolic gesture. Nothing more. It is not worth it.

I urge my colleagues to vote no. Unilateral disarmament was a bad idea in the 1970s and 1980s; it is a bad idea for the 21st century.

I yield the floor.

Mr. BIDEN. I yield to the Senator from Montana.

Mr. BAUCUS. Mr. President, I strongly support the Comprehensive Test Ban Treaty. Why? Various reasons.

First, we have an opportunity to vote this week. I will cast my vote in favor of ratification because I believe to do otherwise would be a tragic mistake with extremely dire consequences for our Nation and equally dire consequences for the world. However, given the likelihood the Senate will fall short of the two-thirds majority required under the Constitution for ratification, I will support efforts to postpone this vote. We cannot tell the world the United States of America, the leader of the free world, opposes this treaty. It would be a travesty.

The Comprehensive Test Ban Treaty gives America a unique opportunity to leave a safer world for our children and for our grandchildren. We cannot prevent earthquakes; we can't prevent hurricanes or tornadoes, not yet. I hope over time our ability to predict them—minimizing the destruction of human life and property—will improve. But we can prevent nuclear war. We can halt the spread of nuclear weapons. We can prevent nuclear fallout and environmental destruction caused by nuclear testing. And we can reduce the fear of a nuclear holocaust that all Americans have lived with since the start of the cold war 50 years ago. We can do all this, and we should.

Let me review some of the benefits we get from the Comprehensive Test Ban Treaty, and let me explain why this treaty will make the world safer for our children and grandchildren. First, under the CTBT, there is an absolute prohibition against conducting nuclear weapon test explosions by the signators. This would include all countries that possess nuclear weapons, as well as those countries that have nuclear power or research reactors. It would also include countries that do not yet have nuclear facilities. This absolute prohibition of testing makes it much harder for countries that already have advanced nuclear weapons to produce new and more sophisticated nuclear weapons. Russia and China are prime examples.

The CTBT prevents the kind of arms competition we had during the cold war. For example, without nuclear tests the Chinese will be unable to MIRV ICBMs with any degree of reliability. The Chinese have no assurance of the effectiveness of putting multiple warheads on missiles because they would not be able to test. Many believe China has made enormous strides in

their nuclear weapons capability because of decades of espionage, but the CTBT provides one way to limit further sophisticated development.

The absolute prohibition on nuclear testing also helps prevent countries with smaller and less advanced nuclear weapons from developing more advanced nuclear warheads. This applies especially to India and to Pakistan. The strategy of using advanced nuclear weapons depends on confidence. It depends on reliability. India and Pakistan would not be able to build reliable and sophisticated nuclear weapons under the treaty.

The treaty's terms also help prevent nations that are seeking nuclear arms from ever developing them into advanced sophisticated weapons. I refer to countries such as Iran and Iraq.

The second major reason for adopting this treaty is that ratification is critical to our ability to enforce and maintain the Non-Proliferation Treaty, another treaty. The NPT is the bedrock of our efforts to stop the spread of nuclear arms to non-nuclear weapon states. Many of the nations that signed the NPT, the Non-Proliferation Treaty, and agreed to its indefinite extension did so on the understanding that there would be a Comprehensive Test Ban Treaty.

The third reason for support is the CTBT will improve the ability of the United States to detect nuclear explosions. Let me repeat that. It will improve our ability to detect current explosions, the status quo compared with today. The international monitoring system will have 321 monitoring stations, including 31 in Russia, 11 in China, and 17 in the Middle East. These stations will be able to detect explosions down to about 1 kiloton, the equivalent of 1,000 tons of TNT—much lower than the kinds of explosions we are talking about in this Chamber. In the case of a suspicious event—that is, a report of an explosion that could be nuclear, a mine site, or even an earthquake—any party can request an onsite inspection. With or without a treaty, we must continue all efforts at monitoring nuclear developments worldwide, but the treaty provides a system that far exceeds current capabilities of inspection.

Now, turning to two of the major objections to those who oppose the treaty: First, they claim actual nuclear tests—that is, explosions—are necessary to ensure that our stockpile of weapons works. We have put in place a science-based Stockpile Stewardship Program. Its purpose is to provide a high level of confidence in the safety and reliability of America's inventory of nuclear weapons. Under this program, our National Weapons Laboratories spend $4.5 billion each year to check and to maintain these weapons. We can still test; we do test. We just cannot explode. The Secretaries of Defense and Energy, with the help of the Directors of the National Laboratories, the Commander of the U.S. Strategic Command, and the Nuclear Weapons Council, must certify every year to the President that the necessary high level of confidence exists.

Do not forget, $4.5 billion a year is spent on this. If they cannot give that certification to the President, the President can then use the so-called Safeguard F. What is that? That is the United States will be able to withdraw from the treaty and test the weapon that is in doubt; that is, if the President is not confident, the President can withdraw.

The Directors of our weapons labs, the Chairman of the Joint Chiefs of Staff, along with four of his predecessors, and an impressive array of Nobel Prize winners believe the Stewardship Program will provide appropriate protection for our national security.

The second objection against the treaty is that it is impossible to verify that all nations are complying with the treaty. That is true. It is true we cannot detect every conceivable explosion at low yields. But our defense agencies have concluded—the Department of Defense—that we will be able to detect tests that will have an impact on our national security, and that is the threshold of concern to us.

Let me go through a few likely scenarios that would occur if we reject the treaty. First and most immediate would be on the Indian subcontinent. India and Pakistan matched each other with nuclear tests. Kashmir remains one of the world's most dangerous trigger points. U.S. rejection of the test ban treaty would destroy our ability to pressure those two countries to halt further nuclear tests. Those countries would likely begin to develop more sophisticated nuclear weapons, heightening the probability of their actual use in the region.

The second adverse consequence of rejection is this: China would certainly prepare for more tests to increase the sophistication of its nuclear arsenal. At present, Chinese nuclear weapons do not pose a strategic threat to the United States. Our rejection of the CTBT would allow them to begin a long-term development program with testing that would make them such a threat.

The PRESIDING OFFICER. The Senator's 8 minutes have expired.

Mr. BAUCUS. I ask unanimous consent to proceed for 2 more minutes.

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

Mr. BAUCUS. The third adverse consequence is American efforts to promote nuclear nonproliferation would become much more difficult because other nations would believe America's moral authority and its leadership were destroyed by our rejection of the CTBT.

The United States has been the world's leader in promoting arms control. If we do not lead, no one else will. It is that simple. Our ratification of the Chemical Weapons Convention led to its approval by Russia, by China, and others. Our ratification of the Comprehensive Test Ban Treaty will lead other countries to agree to a complete ban on nuclear explosions.

As a footnote, let me add the American people, by an overwhelming margin, understand the need to control nuclear testing. In a recent poll, 82 percent of Americans responded that they would like to see the treaty approved. That is not a sufficient reason to vote for ratification, but we should take note the public well understands the dangers of nuclear testing.

President Eisenhower began the first comprehensive test ban negotiations in 1958 with the goal of constraining the nuclear arms race and halting the spread of nuclear weapons. Mr. President, 31 years later we have an opportunity to make this goal a reality. That is the legacy I want to leave my son and all the children of Montana, of the United States, and of the world.

In sum, I think each of us has a moral obligation to leave this world in as good shape or better shape than we found it, and certainly ratification of the test ban treaty fulfills that moral obligation.

The PRESIDING OFFICER. The Chair recognizes the Senator from North Carolina.

Mr. HELMS. Mr. President, the distinguished Senator from Maine is here. I yield 15 minutes to the gracious Senator.

The PRESIDING OFFICER. The Chair recognizes the Senator from Maine.

Ms. SNOWE. Mr. President, I thank the distinguished chairman of the Senate Foreign Relations Committee for his effort and cooperation.

With this debate on the Comprehensive Nuclear Test-Ban Treaty, the Senate discharges one of its most fundamental and solemn duties, the stewardship of our national defense. I think there is little question among us that a world free of nuclear weapons would be a world more secure. Obviously, we all look forward to the day when we do not have to rely on our nuclear stockpile as a necessary deterrent. We know full well over 80 percent of the American people share that point of view. But the fact is, that day has not yet arrived. Until it does, as the world's last remaining superpower, we walk a line both fine and blurred. This debate must be about how we walk that line. It should be about how we balance our clear and shared interests in a nuclear-free planet within the reality of a post-cold-war world.

The reality is this: At the same time the world looks to us to provide leadership in stopping the proliferation of nuclear weapons, so, too, does it rely upon us for a credible nuclear deterrent that will keep in check international aggressors, nations that seek to undermine democracy and freedom. That is the challenge before us, to move towards our shared goal in a responsible and measured manner, ever mindful

that a post-cold-war world does not mean a world devoid of duplicity or danger. That is the dynamic we can neither escape nor ignore. That is the dynamic that must inform each and every one of us as we consider the ramification of a zero-yield treaty of unlimited duration.

The question is not whether we support nonproliferation measures. We obviously make that as one of our key national security objectives. The question is, Are we going to support a treaty that is a significant departure from what every Chief Executive of the atomic age, except President Clinton, has laid down for criteria in any test ban treaty? Are we going to support a treaty predicated on a program that is yet to be tested and may remain unproven for decades? Are we going to support a treaty that assumes reliable verification when we know we cannot always detect low-level tests, when we know that rogue nations such as North Korea, Iraq, or Iran could develop crude first-generation nuclear devices with no testing at all? In fact, the CIA Director George Tenet stated, back in 1997, in response to questions submitted to him by the Senate Select Committee on Intelligence:

Nuclear testing is not required for an acquisition of a basic nuclear weapons capability. Tests using high explosive detonations only could provide reasonable confidence in the performance of a first generation device. Nuclear testing becomes critical only when a program moves beyond basic designs, incorporating more advanced concepts.

We cannot even verify what is going on in Iraq with Saddam Hussein. We all recall we set up an onsite inspection program as a condition for his surrender in the Persian Gulf war. Today he has systematically and unilaterally dismantled the U.N. weapons inspection system regime.

So these are the pressing issues that confront us about the ratification of the Comprehensive Test Ban Treaty. That is why I am disappointed, regretting that we have had politics permeate both sides of the political aisle, both ends of Pennsylvania Avenue with respect to this debate. Because the ratification of any treaty, and certainly this one, is a solemn and unique responsibility for the Senate, and we should accord this debate the level of gravity it deserves. It is not just about process and procedure. It is certainly not about politics. It is about policy; what is in the best interests of this country as well as the security interests of the world. What is at stake is no less than our ability to stop proliferation and to ensure at the same time the continued viability of our stockpile.

When we get into debates about procedure and process, I think it ignores the overwhelming magnitude and gravity of the centerpieces of this treaty. We should not be making this agreement a political football. Duty, a constitutional duty, compels us to look at the facts before us.

I can tell you, after I sat through hours of deliberations and testimony on the Armed Services Committee last week, the facts are not reassuring. I know there is an honest difference of opinion among experts, among former Secretaries of Defense. But you have to look at the honest difference of opinion and take pause when you have six former Secretaries of Defense, two former Clinton administration CIA Directors, four former National Security Advisers, and three former National Weapons Lab Directors, all opposing the treaty before us.

Why? Because they believe a no-testing, unlimited duration policy at this time would fatally undermine confidence in the reliability of the U.S. nuclear stockpile as a sturdy hedge against the aggressive intent of once and future tyrants. That is a risk we simply cannot afford to take.

Consider the backdrop of the Rumsfeld Commission report in 1998. We are all too familiar with the stark fact that North Korea, Iran, and Iraq, to name a few, would be able to inflict major destruction on the United States within 5 to 10 years of making a decision to acquire ballistic missile capabilities.

Thanks to the testimony last week of three current National Weapons Laboratory Directors, we also know full well that the very program the administration proposes to rely on to monitor the safety, effectiveness, efficiency, and accuracy of the arsenal is between 10 and 20 years away from being fully validated and operational, and that is assuming it will work. That is 10 to 20 years. We could have weapons in our stockpile left untested and unproven for decades while rogue states acquire the means of mass destruction.

That is what we are addressing today fundamentally: a treaty that has ultimately been negotiated by this administration with a noble long-range goal that almost everyone accepts but one which requires this country to accept an unproven and incomplete computer-model-based system for the security of our nuclear deterrent in this age of weapons proliferation. In other words, we put the cart before the horse. We ought to know that our Stockpile Stewardship Program works first before we commit to any zero-yield, unlimited-duration treaty.

As the Director of the Lawrence Livermore Laboratory, Dr. Tarter, testified to the committee last week, the program is an approach that the country must pursue ''short of a return to a robust schedule of nuclear testing.'' By closing the door entirely, we would be making a question mark of our nuclear stockpile.

As President Bush reminded us in 1993, one-third of all U.S. nuclear weapons designs fielded since 1958—one-third—have required nuclear testing to correct deficiencies after deployment.

In his words:

The requirement to maintain and improve the safety of our nuclear stockpile and to evaluate and maintain the reliability of U.S. forces necessitates continued nuclear testing for those purposes, albeit at a modest level, for the foreseeable future.

Even within the Clinton administration, these conditions found a voice. According to Mr. Robert Bell, a member of the National Security Council staff, soon before President Clinton released his August 1995 statement of support for the treaty, Defense Department officials argued that the United States should continue to reserve the right to conduct underground nuclear tests at a threshold of 150 kilotons or below.

That would seem to be the prudent course on what we know at this moment in time. It is yet another fact today that we face a real danger of fewer and fewer scientists with the first-hand knowledge that comes from a testing process. Indeed, of the 85 remaining nuclear weapons experts at the Los Alamos and Livermore Laboratories today, only 35 have coordinated live underground tests.

Even as early as 1994, barely 18 months after the United States stopped underground nuclear testing, a report from the Congressional Research Service sounded an alarm, and my colleagues would be wise to read it. Back in 1994, it sounded the alarm that:

These trends . . . threaten to undercut U.S. ability to maintain the safety, reliability, and performance of its warheads; to correct defects that are discovered or that result from aging; and to remanufacture warheads. They also work at cross-purposes with President Clinton's declaration that the United States will maintain the capability to resume testing if needed.

Again, we must remember that these considerations must be made in the context of a treaty that raises the bar by allowing absolutely no testing at any level in perpetuity.

As Dr. John Nuckolls, the former Director of the Lawrence Livermore Laboratory, put it, even an ''extended duration test ban'' would trigger the loss of all nuclear trained expert personnel as well as ''major gaps in our understanding of scientific explosives.''

Again, the CRS in 1994 in its report said:

This skills loss is in its greatest jeopardy.

Director Tarter, the current Director of Lawrence Livermore Laboratory, testified before our committee last week. What did he say in his testimony?

It is a race against time. Before long, our nuclear test veterans will be gone.

We are counting on our current cadre of experienced scientists to help develop and install the new tools that are only now starting to come online.

We have now heard from our Directors: A minimum of 10 years and maybe as high as 20 years from now, the Stockpile Stewardship Program will be determined to be workable.

We have the loss of our nuclear scientists trained in the testing field. That is a safety net we cannot do without as we walk the tightrope of sustaining a credible strategic nuclear deterrent and aggressively promoting

global arms control. Consider that our successive agreements with the Soviet Union, and now Russia, will eventually reduce the entire American nuclear warhead stock to about 25 percent of its peak size in the cold war. Consider also that we maintain only 9 categories of nuclear weapons today from a level of more than 30 in 1985.

We are making remarkable strides, as we should, on our priorities in the arms control arena. But knowledge about the arms we must sustain as bulwarks against future military conflicts cannot be lost, and this fact suggests that time has not ripened for the United States to sacrifice a 50-year, fool-proof position to keep the testing option open as unprecedented arms reductions have occurred and must continue. Indeed, the administration itself agrees we need a viable strategic nuclear arsenal to deter conflicts that could arise in critical areas such as the Middle East, the western Pacific, or northern Asia.

In the view of the vast majority of treaty opponents and supporters alike who submitted opinions and testimony to the Armed Services Committee last week, the Stockpile Stewardship Program will produce low levels of confidence in many aspects of nuclear warhead capability for at least a decade to come and perhaps more.

Perhaps Dr. Robinson, the Director of the Sandia National Laboratory, put it best and simplest when he told the committee:

> Confidence on the reliability and safety of the nuclear weapons stockpile will eventually decline without nuclear testing.

It was expert scientists, not politicians, who told the committee that the Stockpile Stewardship Program brings the U.S. nuclear weapons complex into uncharted waters of reliability.

So, too, is confidence key when it comes to another vital component of this treaty, and that is verification. At first glance, the technology behind the treaty's verification regime seems airtight. Article IV of the accord establishes a joint international monitoring system and international data center with a total of 337 facilities around the world. If these installations detect a potentially illegal underground explosion that subsequent diplomacy cannot resolve, the accusing state may request an onsite inspection.

Fair enough, you might say, until you read the fine print. Then you discover that the onsite inspection provision requires an affirmative vote by 30 of the 51 members of the Executive Council of the Comprehensive Nuclear Test-Ban Treaty Organization authorized under article II, an awfully high threshold. Article II does not give the United States or any of its allies permanent or rotating seats on the Council.

That is not all. Science itself throws a wrench into the treaty's verification mechanism.

According to a 1995 study by the Mitre Corporation, an established scientific research center, neither the National Technical Means of the United States nor the Monitoring System envisioned by the treaty can detect very low-yield or zero-yield tests.

Finally, article V of the treaty establishes ''measures to ensure compliance.'' The most important of these measures entrusts the Conference of States Parties, the treaty's ratifying governments, to refer urgent cases to the United Nations Security Council, a forum in which Russia or China could exercise a unilateral veto.

In other words, article V could mean if the United States diagnosed an imminent nuclear danger in a strategic region of the world, Moscow or Beijing might emerge as the final courts of appeal for sanctions or other punitive acts.

The day for a Comprehensive Test Ban Treaty may come where we could have a zero-nuclear testing regime for an unlimited period of time. It may arrive. And we may be confident that we will be able to verify that level, as well as the low-level detections of other countries when it comes to explosions. But I think we have to consider the facts as we know them now.

I think we have to look very carefully at the troubling aspects of the Stockpile Stewardship Program and whether it is a viable alternative to nuclear testing. In the strategic and scientific communities many say it is not, and maybe we will not know for 10 to 20 years. That is what we are predicating our nuclear deterrent strategy on.

So we have to vote—if we do vote today or tomorrow—on what we know today. We may know something differently in the future. But I submit that we cannot subject our security interests to what we might know 20 years from now.

I hope we will defer the vote on ratification because of all the current concerns that I and others have cited. We would do well to heed the advice of the letter that was submitted to the majority leader asking for deferral, the letter that was written by Henry Kissinger; John Deutch, a former CIA Director for the administration; and Brent Scowcroft, that we should defer until we can give more consideration to all of the issues that are before the Senate with respect to this treaty.

I yield the floor.

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

Mr. BIDEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. Mr. President, I yield myself 10 minutes.

I respect the Senator from Maine very much, as I do the Senator from Indiana, who put out the five-page statement on why he opposes the treaty. I want to speak to some of the things that some Senators have spoken to.

First of all, the Senator from Maine says we have to deal with the facts as we know them. I hope she will keep that in mind when she votes on missile defense. I hope the rest of my colleagues, who say we have to deal with the facts as we know them, keep that in mind when we vote on missile defense.

I find it fascinating some of the very people who push the missile defense and the abandonment of the ABM Treaty—where we have only had basically one successful test, which is a far cry from what we are going to need to be able to develop a missile defense initiative—are the same ones saying: But we can't go ahead with this treaty because we don't know everything.

I respectfully suggest the ability of the scientific community to shoot multiple nuclear weapons out of the sky in the stratosphere and make sure not a single one gets through is an even more daunting and challenging program than the Stockpile Stewardship Program. But they seem to have no problem to be ready to abandon the ABM Treaty, which has been the cornerstone, since Nixon was President, for our arms control regime. But they have no faith. I find that fascinating, No. 1.

No. 2, I also find it very fascinating that everybody keeps talking about nonverifiability. I have heard more than once this morning—not from the Senator from Maine but from others—the dictum of President Ronald Reagan: Trust, but verify. That is constantly brought up: There is a reason why we can't be for this treaty. We can't verify it.

They say this treaty is not perfectly verifiable. That is true. But it is a red herring. This body has never demanded perfect verification.

Consider Ronald Reagan's treaty, the INF Treaty, that eliminated land-based intermediate-range missiles. That treaty was signed by President Reagan, the same man who coined the phrase: Trust, but verify.

Was the INF Treaty verifiable? Give me a break. No; it was not verifiable. It was not.

Listen to what the Senate Intelligence Committee said in response to Ronald Reagan's assertion: Trust, but verify my INF Treaty. The Intelligence Committee said at the time:

> Soviet compliance with some of the Treaty's provisions will be difficult to monitor. This problem is exemplified by the unresolved controversy between DIA [the Defense Intelligence Agency] and other intelligence agencies over the number of SS–20's in the Soviet inventory.
>
> Ground-launched cruise missiles pose a particularly difficult monitoring problem as they are interchangeable with long-range Soviet sea-launched cruise missiles.

This the INF Treaty did not ban.

> We are concerned that the Soviets could covertly extend the range capability of a cruise missile, or covertly develop a new ground-launched cruise missile which prohibited long-range capability. . .
>
> In an INF/START environment. . .the Soviet incentive to cheat could increase because of a greater difficulty in meeting targeting requirements.

Still, this Senate and my Republican colleagues—from DICK LUGAR, who

quotes that he fought for the INF Treaty, and others, had no problem saying that was a verifiable treaty. The ability to hide these things in barns, to hide them in haystacks, was greater than the ability of someone to muffle a nuclear explosion.

But no, I did not hear anything over on that side. I did not hear anybody saying: No, that's not verifiable. I guess that was a Republican treaty. Maybe this is a Democrat's treaty. Maybe that is how they think about it.

But I find this absolutely fascinating. It really—if my staff gives me one more suggestion, I am going to kill them. It says: The INF was approved 93–5. I thought I kind of made that point clear.

But at any rate, let me point out what else the Intelligence Committee said about that INF Treaty. It said:

Since no verification and monitoring regime can be absolutely perfect—

Let me read it again:

Since no verification and monitoring regime can be absolutely perfect, a central focus for the Committee—

That is the Intelligence Committee—

has been to determine whether any possible infractions would be of sufficient military significance to constitute a threat to our national security interests. This calculus is one which the Senate should bear in mind in its consideration of the treaty.

The Senate Intelligence Committee was right in 1988, and their standard is right today, even though this is pushed forward by a Democratic President instead of a Republican President.

To impose this utterly unrealistic standard of verifiability on Bill Clinton's test ban treaty, when no such standard was imposed on Ronald Reagan's INF Treaty, may be an effective ''gotcha'' in politics, but it clearly does not look to the national interest of the United States.

No inspection—no inspection—by the way, for onsite inspections in the INF Treaty, unless it was on prearranged sites. By the way, those of my colleagues who point out that we have to get 30 or 50 votes, our negotiators are pretty smart. We have 30 to 50 votes based on categories.

Let me tell you how membership on that committee would be determined.

The Executive Council is the decisionmaking body of the Treaty Organization. Among other things, it authorizes on-site inspections.

There are 51 seats on the Council, divided geographically. Ten seats are allocated to parties from North America and Western Europe.

Of these, the treaty provides that ''at least one-third of the seats allocated to each geographical region shall be filled taking into account political and security interests, by States Parties in that region designated on the basis of the nuclear capabilities relevant to the Treaty. . . .

The chief negotiator, Stephen Ledogar, told the Foreign Relations Committee on Thursday that ''this is diplomatic language'' that assures that the United States gets a de facto permanent seat on the Council.

Moreover, he said that there was an agreement among the Europeans and us that we would always have a seat.

Makeup of the Council is: Africa, 10 seats; Eastern Europe, 7 seats; Latin America, 9 seats; Middle East/South Asia, 7 seats; N. America/W. Europe, 10 seats; East Asia/Pacific, 8 seats.

There are 2-year terms.

A quick review of the candidates for seats that we should expect, in almost all instances, to get all the votes of the West Europe/North America group. So we start with 10.

Aside from Yugoslavia, Russia, and one of two others, the Eastern Europe group comprises strong United States allies. So that's another 5–7 votes.

Similarily, many of the Latin American states are either: (1) strong allies or (2) strongly favor the test ban. So we should usually get most of those 9 votes.

That gets us very quickly to the low-mid-20s, in most instances—even being conservative and assuming that we don't get all the votes in the above 3 groups.

That leaves Africa, 10 seats; Middle East/South Asia group, 7 seats; and the East Asia, 8 seats. There is where our work, depending on the makeup of the Council at the particular time, could get a little harder.

But even there the rosters have U.S. allies, or proponents of non-proliferation.

It is hard to see how we will not get to 30 in most instances.

In truth, it is more likely that most U.S. inspection requests, based on our intelligence and the data from the International Monitoring System, will be easily approved.

It should also be noted that, unlike the U.N., Israel is a member of a regional group, and will automatically get a seat on the Council under a special rule that guarantees that one seat within each region be filled on a rotational basis.

We can get 30 votes. We can get 30 votes any time we want. The reason why is we set up the committees the way we did. The flip side of that is, it will be hard for them to get 30 votes because the fact is that our intelligence community is saying we do not want onsite inspections in the United States. I don't know what treaty these folks are reading.

Let me make a second point. Here is the one lately that really gets me: The Soviet Union is going to be able to develop very small tactical nuclear weapons that, in fact, will lead to a different strategy in terms of their conventional defense. Guess what. We should all be standing up on this floor going hooray, we did it, because I remember last time we debated this issue of strategic weapons. What were we saying?

I watched, by the way, with great interest Dr. Edward Teller last night. I watched a long documentary because I used to have to debate him around the country on SALT. He was wrong then; he is wrong now.

We used to argue that the real concern—I have been here for 27 years—was the Soviets seeking a first strike capability. Remember? The Soviets are seeking a first strike capability. And all of their actions were designed to do that. That is why they were building these new massive SS–18s with 10 nuclear warheads, independently targeted, et cetera, et cetera. Through the leadership of a Republican President, we have an agreement whereby they are going to dismantle those if we get the treaty, the START treaty, passed. So guess what we are worried about now. The exact opposite. We are worried now that they don't have a first strike capability, that they aren't seeking nuclear predominance, but they are acknowledging their conventional forces are so bad they need tactical nuclear defense on their territory.

As they say in my church, examine your conscience, folks. Take a look at what this is. We hear this thing, and the public says: Is it true, Joe, they really are developing a new tactical weapon? My response is, it probably is true. But guess what. They now have 10,000 tactical nuclear weapons.

I yield myself such time as I may consume.

They are worried now that they are going to be able to develop another smaller tactical nuclear weapon, as if this treaty has anything to do with that. Come on. Come on. What we should be doing is rejoicing in the fact that the whole emphasis in the Soviet program has shifted to a recognition that they have to defend their homeland—their judgment—and they do not have the conventional forces capable of doing that—their judgment—and so they are developing, allegedly, a very small tactical nuclear weapon—their judgment. Does that shift the strategic balance? Give me a break. Give me a break.

I find this one of the most fascinating debates in which I have ever been engaged. I don't know what we are talking about. When my friend from Kentucky stands up and says, I thought we decided against unilateral disarmament, me, too—an are-you-still-beating-your-wife kind of question. Who is talking about unilateral disarmament? Where is that anywhere in this treaty? Where does it say that? Where does it imply that? That is like my standing up and saying: I am very surprised my friends who oppose this treaty want to go to nuclear war; I am very surprised they are advocating nuclear war. That would be equally as unfounded and outrageous a statement as the assertion this treaty is unilateral disarmament.

I will repeat this time and again, and I will yield the floor in a moment. My problem is, we have a President of the United States of America who has sent a formal message to the Republican leader asking that a vote on this treaty

be delayed. Apparently, there is a consensus on the other side, thus far at least, not to allow it to be delayed. This is the total politicization of a national security debate. Could anyone have imagined before this came up, if a President of the United States of any party said: This issue, which is of the gravest consequence to the United States of America, I respectfully ask that you delay a vote on it, could anyone have imagined anything other than a response that says: Mr. President, we will concur with the delay, unless it was for stark political reasons? I can't fathom this one. I can't fathom this. I wasn't sure the President should have sent the letter in the first place.

If this treaty is defeated and India and Pakistan test, we are going to find ourselves in the ugliest political brawl we have seen in this place since Newt Gingrich left the House. You are going to have Democrats standing up on the floor saying: The reason why India and Pakistan have tested is because the Republicans defeated this treaty and gave a green light. That is not a provable assertion, but mark my words, we are going to hear it. Then the response is going to be even more political.

We ought to take a deep breath. My mom always said, when you lose your temper, take a deep breath, count to 10. Not that I have ever lost my temper in my life. You can tell I am not at all passionate about any of these issues. But let us count to 10. The President of the United States has asked this treaty vote be delayed. It seems to me it is common courtesy and totally consistent with national interests to grant that request.

I will speak to other aspects of this. Let me conclude by saying two things: One, to move to a very small tactical nuke on the part of the Russians is an absolute outward admission that they lack the capability in their minds for fighting the conventional war. Twenty years ago, we would have paid billions of dollars, if the Russians had come to us—I say to my friend from Massachusetts who knows a great deal about this—we would have been prepared to vote to pay them $10-, $20 billion if they would stop developing intercontinental range missiles that had the capacity to penetrate our airspace and in all probability hit hardened targets here. If they had said to us, we won't do that but we are going to build a very small tactical nuke, we would have paid them to do that. Now we hear on this side, if we pass this treaty, they are going to build tactical nuclear weapons that are very small, smaller than the 10,000 they now have and are able to have and legally can have. That is a very bad thing. That is why we should reject this treaty. So we encourage the Chinese to go from 18 to 800 or 8,000 nuclear weapons that have MIRV capability and are thermonuclear in capacity. That is wonderful reasoning.

There are legitimate arguments against this treaty, which I believe do not rise to the level of being against a treaty, but I haven't heard them made this morning, with all due respect.

I yield the floor.

Mr. HELMS. Mr. President, I yield to the Senator from Arizona.

Mr. KYL. Mr. President, I want 30 seconds to respond to the challenge of my friend from Delaware with respect to unilateral disarmament. I think the point the Senator from Kentucky was making was that the United States will consider itself bound to the zero-yield standard. We will abide. But we know that certain other countries don't see the treaty that way, don't interpret the language that way. We suspect they have reason to and probably will be conducting so-called hybrid nuclear tests and, second, couldn't verify whether those kinds of tests are conducted. As a result, the United States would not be conducting any kind of nuclear tests, whereas other countries would have the capability and, indeed, the motivation to do so.

I believe that is what the Senator was talking about when he talked about the concept of unilateral disarmament.

Mr. BIDEN. Mr. President, I will take a minute to respond. I understand the point made. We have 6,000 intercontinental ballistic missiles that are on line right now. The Russians have a similar number. After you get by that, the numbers drop off precipitously. China is down in the teens. This unilateral disarmament notion or, as explained by the distinguished Senator from Arizona, I understand his point, but what are we doing? Are we going to give up? Are we freezing in place the fact that we stay at 6,000, and if they take the worst case of a stockpile that is in atrophy versus the dozen or more that the Chinese have? I mean, come on. Come on. You know, if you told me the Chinese had 6,000 nuclear weapons, MIRV capability, thermonuclear yield, or if you told me the Koreans and Libyans had that and the Russians had that, then you would have an argument. After the Soviet Union and then our allies, it drops off precipitously into double digits, max—max.

Mr. President, I yield 10 minutes to the Senator from Massachusetts.

The PRESIDING OFFICER. The Chair recognizes the Senator from Massachusetts, Mr. KERRY.

Mr. KERRY. Mr. President, I want to thank the Senator from Delaware for his terrific leadership on this issue over the last few days, and for a long period of time.

Let me quickly address, if I may, one point. The Senator from Delaware a few moments ago referred to the strange dynamic that has set in here in the Senate. I just want to underscore that, if I may, for a moment.

I grew up, as many of us did, looking at the Senate with a sense of great respect and awe for the capacity of the Senate to come together around the most significant national security issues that faced the country. I think all of us always looked at this institution as the place that, hopefully, could break through the emotions and find the most common sense solution that is in the interests of the American people.

Some of the great history of the Senate has been written about those moments where Senators crossed the aisle and found commonality in representing the interests of the Nation. I must say that in the 15 years I have been privileged now to serve here, representing Massachusetts, I have never seen the Senate as personally and ideologically and politically divided and willing to subvert what we most easily can define as the common national interest for those pure ideological or political reasons. And I don't think that is mere rhetoric when I say that.

I noticed when Presidents Reagan and Bush were in office, there was a considerable thirst on the other side of the aisle for adventures in Granada, Panama, and Somalia, and the obvious need to respond to the threat in Iraq and the Middle East. But suddenly, with President Clinton, we saw those very people who were prepared to support those efforts, even in a Granada or in a Panama, suddenly people argued that Kosovo didn't have any meaning, Bosnia didn't have meaning, and even Haiti, where there was an incredible influx of refugees and chaos right off our shore, failed to elicit the same kind of responsible international reaction as we had seen in those prior years. Now, regrettably, this treaty finds itself being tossed around as the same kind of ''political football,'' to a certain degree. And I think that is unfortunate, and it certainly does not serve the best interests of the Nation.

Mr. President, preventing the proliferation of nuclear weapons is one of the most important issues facing the United States today. Since the end of the Cold War, we have made great strides in reducing the danger to the American people of the vast nuclear arsenal of the former Soviet Union. But the nuclear danger persists, and the job of nuclear arms control is far from finished. Multiple nuclear tests detonated by India and Pakistan emphasize the need for greater U.S. leadership on this critical issue—not less.

In the last week, we have been told by critics of the CTBT that, for a variety of reasons, it will increase, rather than reduce the danger from nuclear proliferation. I believe that a careful examination of the criticism of this treaty will show that, on balance, it will enhance—not undermine—U.S. national security interests.

First, critics argue that, in their desire to conclude a comprehensive test ban, the Clinton administration made key concessions resulting in a flawed Treaty that is worse than no Treaty at all. Let me say at the beginning that I believe the CTBT is far from perfect. I am not going to argue with my colleagues on the other side that you can't find a legitimate point of disagreement about the Treaty. I'm not

going to argue with those who don't like the way a particular compromise was arrived at in the treaty, or that think a particular principle might have been fought for harder and the absence of victory on that particular principle somehow weakens the overall implementation of the Treaty.

The negotiating record—which has been subject to great scrutiny in recent days—reflects as many compromises from the original U.S. position as triumphs in achieving our objectives. There are legitimate reasons for concern that we did not achieve all of the original goals of the United States in negotiating this Treaty. I certainly take to heart Secretary Weinberger's admonition that you should not want the end goal so much that you give up certain substance in arriving at that end goal. I think that is a laudable and very important principle around which one ought to negotiate.

But my colleagues in this body understand better than most the necessity of compromise in finding pragmatic solutions to the many difficult problems we face. And the compromises we agreed to in the CTBT will allow us to achieve the nonproliferation goals we seek.

What has often been lost throughout this debate is that the United States enjoys a tremendous technological advantage over the other nuclear powers in both the sophistication of our weapons and our ability to maintain them reliably. The Administration and the Congress initially agreed to seek a test ban that would permit only the lowest-yield nuclear tests, which was soundly rejected by our negotiating partners because it would essentially ensure that only the United States, with the technical capacity the others lack to conduct those low-yield tests, would be permitted to continue testing its nuclear stockpile.

As Ambassador Stephen Ledogar—the head of the U.S. negotiating team—testified before the Foreign Relations Committee last Thursday, the other four nuclear powers argued that they needed a higher threshold in order to gain any useful data. Russia argued that, if a testing threshold were to be established for the five nuclear powers, it should allow for nuclear yields of up to ten tons of TNT equivalent, hardly a level that constituted an effective testing restriction.

Our negotiators quickly rejected that idea, and President Clinton decided the best way to resolve the impasse and protect U.S. interests would be to pursue a policy of zero-yield—a ban should be a ban. The Russians were not happy with this proposal, but eventually were persuaded to accept a total ban on any nuclear test that produced any nuclear yield.

Clearly, the United States would have been better off if we had been able to negotiate a test ban that allowed us to continue testing. But it is ridiculous to argue that, because the CTBT does not protect the U.S. advantage it represents a dangerous capitulation on our part. To implement and verify a zero-yield test ban, we need not be worried about distinguishing between a low-yield test and a medium-yield test to determine if the Treaty has been violated. Any test of any yield is a violation. In this regard, the Treaty's strength is in its simplicity.

Second, critics argue that we shouldn't ratify the CTBT because we can't verify compliance. There has never been an arms control treaty that is 100% verifiable, and the CTBT is no exception. We will not be able to detect nuclear tests down to the most minute level of nuclear yield. But we will be able to verify that the Test Ban is accomplishing what it is meant to accomplish: an end to nuclear testing that advances the sophistication of current nuclear stockpiles or the development of new nuclear stockpiles.

The key to a successful verification system is that a potential violator must believe that the risk of getting caught is greater than the benefit of the violation. The lower the yield of the nuclear test, the smaller the chance of detection by seismic means. But at the same time, the amount of useful information a nation would get by conducting a low-yield clandestine test would be limited. As a result, a potential violator would likely decide that the risk of getting caught is greater than the benefit of conducting the test. In addition, clandestine testing will not allow any developing weapons program to approach current U.S. capabilities.

For those who are concerned about the danger from low-yield nuclear testing, I would also argue that defeating this treaty will make it more difficult, not less, for the United States to detect those tests by denying us the benefits of the International Monitoring System that will verify the CTBT. The International Monitoring System will include 50 primary seismic monitoring stations and an auxiliary network of 120 stations, 80 radionuclide stations for atmospheric measurements, 11 hydroacoustic stations to detect underwater signals, and infrasound monitoring as well. This system will be augmented by the very powerful national intelligence-gathering technologies currently operated by the U.S. and others.

The CTBT also allows any state party to request an on-site inspection of a questionable seismic event. The Treaty calls for on-site inspection requests to be submitted to the Executive Council of the CTBT Organization—the body charged with implementing the Treaty—along with supporting data, collected either from the monitoring and data mechanisms established under the Treaty or from national technical means. The Executive Council will have representatives from every region, and nations within each region will rotate membership on the Executive Council on a set schedule. The United States has reached agreement with the nations in our region that we will always be one of the 10 nations representing our region, so we will always have a vote on the Executive Council.

Thirty of the 50 members of the Executive Council must approve an on-site inspection request. Critics have argued that it will be very difficult for the United States to garner the support of 30 nations to allow for an on-site inspection. They argue that our traditional adversaries will use the Executive Council to block inspections that are necessary to protecting the U.S. national interest.

It is true that countries such as North Korea, Iran, Iraq and their few supporters can be counted on to block U.S. and other requests for on-site inspections. However, most of the nations of the world have no interest either in pursuing nuclear weapons or allowing their neighbors to pursue them unchecked, which is why this Treaty enjoys such strong support throughout the international community.

Rogue nations would have to find support among more than 40 percent of the Executive Council to block our request for an on-site inspection. But it is unlikely that the United States would not be able to persuade at least 30 members of the merits and importance of our inspection request.

The CTBT will give us access to tools we otherwise would not have for monitoring nuclear tests, and an option for on-site inspection of seismic events that we do not fully understand. Defeating the treaty would deny our intelligence community the additional benefits of those additional tools.

Third, critics argue that the CTBT will not end nuclear proliferation, because key countries of proliferation concern will not sign or ratify. This is an important argument, because it goes to whether this Treaty can accomplish the fundamental purpose for which it is designed—stopping the proliferation of nuclear weapons.

It is true that countries will halt nuclear testing, or not, based on a calculation of their own national interest. But by creating an international norm against nuclear testing, the CTBT will add a powerful factor in a rogue nation's assessment of whether its national interest will be helped or harmed by the conduct of a nuclear weapon. A nation that chooses to test will face considerable costs to its political, economic and security interests. U.S. ratification of the CTBT will lay the basis for universal enforcement of the Treaty, even against the few nations that may not sign.

The CTBT is a critical component of broader U.S. strategy on nuclear nonproliferation, which has the Nuclear Non-Proliferation Treaty (NPT) at its core. In 1995, states parties to the NPT agreed to extend that Treaty indefinitely, in large part based on the commitment of the declared nuclear weapons states to conclude a CTBT. The failure of the United States to ratify

the CTBT will seriously undercut our ability to continue our critical leadership role in the global nuclear non-proliferation regime.

Formal entry-into-force of the Treaty requires ratification by the 44 countries that have nuclear power reactors or nuclear research reactors and are members of the Conference on Disarmament. And in my mind, it is altogether appropriate that a treaty banning the testing of nuclear weapons requires the participation of all the nuclear-capable states before it can enter into force. Of those 44, 41 have signed the CTBT, and 23 have ratified. All of our allies have signed the Treaty. Russia and China have signed the Treaty. Only India, Pakistan and North Korea have not signed.

Now, some have argued that the United States should be in no hurry to ratify the Treaty, that we should wait until Russia, China, India, Pakistan and North Korea have ratified. They worry that the United States will forfeit its ability to conduct nuclear tests with no guarantee that the countries we are most concerned about will make the same commitment. But the United States has already concluded that we do not need to conduct nuclear tests to maintain our vast nuclear superiority.

No one on the other side of the aisle is arguing we should go out and test tomorrow. Why? Because we don't need to test tomorrow. We don't need to test next year. We don't need to test for the foreseeable future, according to most scientists in this country, because we don't test the nuclear explosion itself for the purpose of safety and for making judgments about the mechanics of both the electrical and mechanical parts of a nuclear warhead.

The CTBT binds us to a decision we have already made, because it is in our national interests to stop testing. And if, at some point down the line, it becomes necessary to resume testing to preserve the reliability of our nuclear deterrent, we can withdraw from the Treaty to do so.

Clearly, we want countries like India and Pakistan to ratify the Treaty and commit themselves to refraining from nuclear testing. Aren't we more likely to convince them to do this if we ourselves have already ratified the Treaty? As Secretary Albright correctly pointed out on Thursday, waiting is not a strategy. During the debates on the Chemical Weapons Convention, there were those who advocated taking this passive approach to protecting our interests. But in fact, after the United States ratified the CWC, Russia, China, Pakistan, Iran and Cuba followed our lead. The best chance for achieving the nonproliferation goals of the CTBT is for the United States to lead. If the Senate were to reject the Treaty, international support for the test ban would be gravely undermined, and countries like India and Pakistan would have no reason to refrain from continued testing.

Aren't we better off with a treaty that gives us the capacity to monitor, the capacity to continue to show leadership with India and Pakistan, the capacity to set up a process with China before the Chinese test in a way that gives them the ability to translate the information stolen—referred to in the Cox commission report—into a real threat to the United States?

That seems to me to be a very simple proposition. The Cox Report, and others, all acknowledge that at this point in time China has not created a new weapon or changed its nuclear capacity, using our information. And we know that, in order to do so, using on our information, they have to test. China has signed the treaty, and is prepared to adopt the restraints of this treaty. Those who argue that we are better off allowing China the window to go out and test and now profit from what it has stolen elude all common sense, in my judgment. How would the United States be better off with a China that is allowed to test and translate the stolen information into a better weapons system? That is not answered on the floor of the Senate. But some argue that that is the way they would like to proceed.

U.S. ratification of the CTBT won't end nuclear proliferation, but U.S. rejection of the Treaty undermine the credibility of U.S. leadership on nonproliferation, which will jeopardize U.S. work to prevent North Korea from developing nuclear weapons, to eliminate weapons of mass destruction in Iraq, and to block the sale of sensitive technologies that could contribute to proliferation.

Finally, critics argue that the United States will not be able to maintain a reliable nuclear deterrent without nuclear tests. I take very seriously the argument that, without nuclear testing, the credibility of the U.S. nuclear deterrent will be undermined. The security of the American people—and the security of our friends and allies around the world—depends on maintaining the credible perception that an act of aggression against us will be met with an overwhelming and devastating response. If I thought for a minute that U.S. ratification of the CTBT would undermine this deterrent, I would not—I could not—support it.

In fact, the United States has today and will continue to have in the future high confidence in the safety, reliability and effectiveness of our nuclear stockpile. This confidence is based on over 50 years of experience and analysis of over 1,000 nuclear tests, the most in the world.

Most of the nuclear tests the United States has conducted have been to develop new nuclear weapons; for the most part, we use non-nuclear tests to ensure the continued reliability of our nuclear arsenal.

This is a key point—even with no test ban, the United States would not rely primarily on detonating nuclear explosions to ensure the safety and reliability of our nuclear stockpile. Most of the problems associated with aging nuclear weapons will relate to the many mechanical and electrical components of the warhead, and the CTBT does not restrict testing on these non-nuclear components. Moreover, we have already proven that we can make modifications to existing designs without nuclear testing. In 1998, we certified the reliability of the B–61 Mod 11, which replaced an older weapon in the stockpile, without conducting a nuclear test.

Looking to the future, the center of U.S. efforts to maintain our nuclear stockpile is the Science Based Stockpile Stewardship program, initiated by President Clinton in 1992. This 10 year, $45 billion program has four major objectives: to maintain a safe and reliable stockpile as nuclear weapons age; to maintain and enhance capability to replace and certify nuclear weapons components; to train new weapon scientists; and to maintain and further develop an operational manufacturing capability.

And it is already working. Since our last test in 1992, the Secretaries of Defense and Energy and the Commander-in-Chief of Strategic Command have certified 3 times (and are about to certify for the fourth time) that the U.S. nuclear stockpile is safe and reliable. It is only in the distant future—2010 perhaps, but we don't know the answer to this yet—that conceivably the physics package of a nuclear weapon might provide the level of deterioration that might not be able to be replaced with totally new parts and therefore might somehow lessen our nuclear deterrent capacity. To enable us to respond to such a situation, President Clinton has established six Safeguards that define the conditions under which the U.S. will remain a party to the CTBT.

Presidential Safeguards A through F, as they are known, outline the U.S. commitment to maintaining a science-based stockpile stewardship program to insure a high degree of confidence in the reliability of the U.S. nuclear stockpile. The final safeguard, Safeguard F, states U.S. policy—as embodied in the official negotiating record of the CTBT—that, if the President is advised that the safety or reliability of the U.S. nuclear stockpile can no longer be certified, the President, in consultation with the Congress, will withdraw from the CTBT under the ''supreme national interests'' clause of the Treaty.

Now, critics of this Treaty have suggested that a future President, upon learning from his Secretaries of Defense and Energy that the nuclear stockpile can not be certified, and upon confronting all the scientific data that tells him our nuclear deterrent is eroding, will somehow fail to act—fail to invoke the ''supreme national interest'' clause—and withdraw the United States from the Treaty. I ask my colleagues, Is there one among us who, when confronted with this information, would hesitate to act? When the Congress is informed of the status of the

nuclear arsenal—and those reports are given in full to the Congress—is there anyone who doubts that the Congress would immediately demand that the White House take action to protect our nuclear deterrent?

Surely, the critics of this Treaty who doubt that a President could find the political will to withdraw the United States from the CTBT when our ''supreme national interests'' are at stake aren't suggesting that there is a confluence of political factors that could possibly place the sanctity of a treaty above the sanctity of the lives of the American people. No one can tell me that any President of the United States is going to diminish the real national security interests of this country against some desire to keep a treaty in effect for the sake of having a treaty if, indeed, doing so will threaten the real interests of this Nation.

U.S. ratification of, and adherence to, the CTBT will not jeopardize our nuclear deterrent, because the United States does not today, and will not tomorrow, rely on nuclear explosions to ensure the safety and reliability of our nuclear stockpile. We have embarked on a high-tech, science-based Stockpile Stewardship Program that will allow the United States to maintain the superiority of its nuclear arsenal. And in the event that we can not certify the reliability of our nuclear deterrent, we have given notice to our negotiating partners that we will not adhere to the CTBT at the expense of our supreme national interests.

So, in effect, we are talking about what we could achieve by passing this treaty and showing leadership on the subject of implementing an international regime of monitoring and of nonproliferation, versus continuing the completely uncontrolled capacity of nations to provide a true threat to the United States.

Mr. President, critics of this Treaty argue that the United States today faces too many uncertainties in the realm of nonproliferation to commit ourselves to a leadership position on the CTBT. I can not speak to those uncertainties, but of the following, I am absolutely certain: if the Senate rejects the Comprehensive Test Ban Treaty, there will be more nuclear tests conducted around the world, not fewer, and we will be no better equipped than we are today to detect and monitor those tests; the U.S. nuclear arsenal will not be made more reliable—and other nuclear nations will have the freedom to conduct the necessary tests to bring their weapons on a technological par with our own, undermining the strength of our nuclear deterrent; and finally, the American people will be more vulnerable, not less, to the nuclear danger, because we will have undercut more than 30 years of work to build and fortify international norms on nuclear nonproliferation.

The Senate has before it today an opportunity to send a signal to the world that the United States will continue to lead on international efforts to reduce the nuclear danger. We also face the prospect of acting too soon, after too little time for deliberation, and sending a signal that the United States can no longer be counted on to stand against the forces of nuclear proliferation.

It seems to me that when the President of the United States makes a request in the interest of our Nation to the Senate to delay a vote, it is only politics that would drive us to have that vote notwithstanding that request.

My plea would be to my colleagues in the Senate that we find the capacity to cool down a little bit, to have a vote that delays the consideration of this treaty so that we may proceed to answer properly each of the questions raised by those who oppose it, and, if need be, make changes that would not send the message that the United States of America is rejecting outright this opportunity to embrace a policy that from Eisenhower on we have fought to try to adopt.

I hope that the leadership of the Senate on both sides of the aisle can be prevailed upon to prevent a tragic misstep that I fear will have grave consequences for the strategic interests of the United States and our friends and allies.

The PRESIDING OFFICER. Who yields time?

Mr. HELMS. Mr. President, parliamentary inquiry, please. Somewhere down the line we are going to find it wise to yield back time. That would not forbid a Senator on this side from suggesting the absence of a quorum or any other routine motion of the Senate. Is that correct?

The PRESIDING OFFICER. That is not correct. The Senator would have to have debatable time left or there would have to be a nondebatable motion. There would have to be debatable time left or there would have to be a nondebatable motion before a Senator would be able to suggest the absence of a quorum.

Mr. HELMS. Very well. I thank the Chair for the information.

The PRESIDING OFFICER. Who yields time?

The Senator from Delaware.

Mr. BIDEN. Mr. President, I say to my colleagues on the Democratic side who want to speak on this treaty, if I am not mistaken, there is less than 1 hour—approximately 1 hour—left under the control of the Senator from Delaware, and 13 Members wish to speak to it; and, further, if my Republican colleagues conclude that they wish to yield back their time, the time is going rapidly as we approach this vote. I urge Senators, if they wish to speak, to be prepared, as my friend from the State of Connecticut is, to speak for 5 minutes.

I yield 5 minutes to my friend from Connecticut.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, I thank my friend from Delaware.

As I have listened to my colleagues during this debate, I feel as if the Senate has backed itself at least into a procedural corner in the midst of a policy disagreement.

This is not the first time this has happened in the history of the Senate—not even in the 10½ years I have been here. But this is one of the most consequential times we have done so. For it seems to be a combination of reasons that are part ideological, part partisan, and part just plain personal. I hope we can find a way to work ourselves out of this corner because the stakes here are high.

As the debate has been going on, I have been thinking about the two big debates that have occurred here in the decade that I have been privileged to serve in this body. One was the gulf war debate and the other was the Middle East peace accords, the Oslo accords.

I think of the gulf war debate because I remember as President Bush dispatched a half million troops to the gulf that I was dismayed at how the reaction to that act by President Bush was dividing along partisan lines. It didn't seem like a partisan question to me. People could have good faith opinions on both sides, but the opinions were not based on party affiliation.

I have the same feeling as I listen to this debate, and watch the lines harden. Something unusual and unsettling has happened to our politics when party lines divide us so clearly and totally on a matter of national security. That is not the way it used to be in the Senate. And that is not the way it ought to be.

The same is true of the procedural dilemma to which we have come. We have a President—and those of us who support this treaty—acknowledging that the votes are not there to ratify it now. That says that the opponents of the treaty have won for now.

So why push for the vote? If the President of the United States has asked that it be delayed because of his fear of the consequences of a vote failing to ratify on nuclear proliferation, this is not political. This goes to the heart of our security and the hopes and fears we have for our future and our children's future.

But I will say if there is one thing, in my opinion, that would be worse than going ahead and voting, even though we know those who oppose ratification of the treaty have won. That would be for us as a majority to voluntarily say that we will prohibit the President or ourselves from raising the question of this critical and progressive treaty again for the next year and a half. I think to do that would send an even worse signal to India, to Pakistan, to China, and to Russia.

Let's keep the hope of a more secure world alive. Let's acknowledge that we have a common goal.

Is anybody for nuclear proliferation? Don't we all agree that the atmosphere

is cleaner and the likelihood of nuclear proliferation less if nations can't test? Can't we find a way across party lines to do what we have done with other treaties—to adopt reservations or safeguards or conditions which allow enough of us to come together to ratify this treaty? Why are we heading toward a wall from which there will be no good return and no good result?

I have also been thinking of the Middle East peace accords and the Oslo accords because I remember what Prime Minister Rabin said.

If you are strong you can take risks for peace.

We are the strongest nation today in the history of the world. When it comes to strategic nuclear weapons, we are dominant. We have more than 6,000. If, tragically, for whatever reason, a few of them don't work we have such—in the marvelous term of the Pentagon—''redundancy'' that we have thousands of others that we can rely on in the dreadful occasion that we might need to use them.

This treaty promises to freeze our advantage in nuclear weapons. Since we are the strongest nation in history and this treaty may well make us more dominant in the crucial, terrible arena of nuclear weapons, why would we not want to take the risk of ratifying this treaty? It is, in my opinion, a very small risk for increasing peace and security for all—for our children, for our grandchildren. If we decide that testing is once again required by the United States in pursuit of our national interests, that option is protected. The treaty language is very clear: We can—and I am sure we will—withdraw.

My appeal in closing is to say, Can't we find a way to come back to some sense of common purpose and shared vision of a future? Both sides have said on the floor that nuclear proliferation is one of the great threats to our future. We are hurtling down a path, as this dreadful power spreads to other countries of the world, many of them rogue nations, where we cannot rely on the bizarre system of mutual assured destruction that saved the United States from nuclear war during the cold war. If an accident becomes more likely, the consequences will be dreadful. Can't we find a way to avoid good old-fashioned gridlock, which is survivable on most occasions in this Senate, but I think potentially devastating on this occasion?

I appeal to my colleagues on the other side, whether there is or is not a vote now on this treaty, let's get together and figure a way we can sit, study the matter, talk to people in the Pentagon and people in allied countries, and see if we cannot find a way to agree on enough reservations, safeguards, and conditions to come back, hopefully next year, and ratify this treaty.

I yield the floor.

Mr. BIDEN. Parliamentary inquiry: If we go into a quorum call at this point, the time is taken out equally from the opponents and proponents; is that right or wrong?

The PRESIDING OFFICER. It takes unanimous consent to be charged equally. Otherwise, the time will be charged against the side which suggests the absence of a quorum.

Mr. BIDEN. I thank the Chair.

Mr. President, I yield 10 minutes to the Senator from Massachusetts, Mr. KENNEDY.

Mr. KENNEDY. Mr. President, this may be one of the most important debates the Senate will have in this recent time. In my view, the ratification of the Comprehensive Test Ban Treaty is the single most important step we can take today to reduce the danger of nuclear war. Surely we are in no position to hold a premature vote today or tomorrow on this.

After 2 years of irresponsible stonewalling, the Senate has finally begun a serious debate on this treaty. This debate should be the beginning—not the end—of a more extensive and thoughtful discussion of this extremely important issue. The stakes involved in whether to ratify or reject this treaty are clear. Our decision will reverberate throughout the world, and could very well determine the future of international nuclear weapons proliferation for years to come.

We have a unique opportunity to help end nuclear testing once and for all. The United States is the world's premiere nuclear power. The Comprehensive Test Ban Treaty locks us into that position. No other nations have the capability to assure that their nuclear arsenals are safe and reliable without testing. We have that capability now, and the prospects are excellent that we can retain that capability in the future.

Over the past 40 years, we have conducted over 1,000 nuclear tests. We currently have extensive data available to us from these tests—data that would provide us with an inherent advantage under the Treaty. As Hans A. Bethe, the Nobel Prize winning physicist and former Director of the Theoretical Division at Los Alamos Laboratory, stated in an October 3 letter to President Clinton,

Every thinking person should realize that this treaty is uniquely in favor of the United States. We have a substantial lead in atomic weapons technology over all other countries. We have tested weapons of all sizes and shapes suitable for military purposes. We have no interest in and no need for further development through testing. Other existing nuclear powers would need tests to make up this technological gap. And even more importantly, a test ban would make it essentially impossible for new nuclear powers to emerge.

As the foremost nuclear power, other nations look to us for international leadership. We led the negotiations for this treaty. We were the first of the declared nuclear powers to sign the Treaty. Yet, now, because of our inaction and irresponsibility, we have made it necessary for the leaders of three of our closest allies to plead with us not to defeat the Treaty.

These three leaders—Prime Minister Chirac of France, Prime Minister Blair of Britain, and Chancellor Schroeder of Germany—wrote in an OpEd article in the New York Times last Friday that, ''Failure to ratify the Comprehensive Test Ban Treaty will be a failure in our struggle against proliferation. The stabilizing effect of the Non-Proliferation Treaty, extended in 1995, would be undermined. Disarmament negotiations would suffer.'' They also go on to say that, ''Rejection of the treaty in the Senate would remove the pressure from other states still hesitating about whether to ratify it. Rejection would give great encouragement to proliferators. Rejection would also expose a fundamental divergence within NATO.''

Our relationship with our most valuable allies is on the line. It would be the height of irresponsibility for the United States Senate to send the world a message that we don't care if other nations test nuclear weapons, or develop their own nuclear arsenals. Surely, the risks of nuclear proliferation are too great for us to send a message like that.

The United States stopped conducting nuclear tests in 1992. Doing all we can to see that other nations follow suit is critical for our national security. Russia and China have both indicated that they are prepared to ratify the Treaty if the U.S. ratifies it. If the Senate fails to ratify it, the likely result is a dangerous new spiral of nuclear testing and nuclear proliferation.

Many of my colleagues have spoken about the fact that there is no guarantee about this Treaty. I argue that there is one guarantee—if we fail to ratify the Treaty, the consequences are grave, and could be catastrophic for our country and for all nations.

Last week, we held hearings in the Armed Services Committee on the Treaty, and I commend the distinguished Chairman and Ranking Member of that Committee for taking the lead on this extremely important issue. We listened to expert witnesses on both sides of the aisle, as they presented testimony on the Treaty and the Stockpile Stewardship Program.

General Shelton, the Chairman of the Joint Chiefs of Staff, testified that it was the unanimous conclusion of all of the Joint Chiefs, that the Treaty is in our national interest. General Shelton said, ''The CTBT will help limit the development of more advanced and destructive weapons and inhibit the ability of more countries to acquire nuclear weapons. In short, the world will be a safer place with the treaty than without it, and it is in our national security interests to ratify the CTBT.''

Some of my colleagues have referred to the Treaty as ''unilateral disarmament.'' This characterization is grossly inaccurate, both in policy and in practice. A key element of our adherence to the Treaty, with the Administration's safeguards, is the Stockpile Stewardship Program.

Last Thursday, in the Armed Services Committee, each of the directors of our nuclear labs testified about that program. John Browne, the director of Los Alamos National Laboratory, said, ''Through the Stockpile Stewardship program, we intend to demonstrate a technical excellence in weapons-relevant science and engineering that will project confidence in our nuclear capability. This technical excellence will be evident in our unclassified publications and presentations at scientific conferences. Other countries will see these accomplishments and will understand their connection to the quality of our weapons programs.'' With the Stockpile Stewardship Program, we will still be able to maintain a powerful nuclear deterrent.

Critics argue that the Treaty's not 100 percent verifiable. In reality, the Treaty enhances our current ability to monitor nuclear testing worldwide. It establishes an International Monitoring System, which creates a global network of 321 testing monitors. We would get all of the benefits of this larger system and only have to pay 25 percent of its total cost. The Treaty also establishes an on-site inspection system. Perhaps most important, it will hold other nations accountable for their actions, and require them to provide explanations for suspicious conduct.

We also have a safety valve in the Treaty—Safeguard F. The Administration didn't send this Treaty to the Senate as a stand-alone document. They sent it here with six Safeguards under which, and only under which, the United States will adhere to the Treaty.

As Safeguard F states, adherence to the Treaty is explicitly conditioned on:

> . . . the understanding that if the President of the United States is informed by the Secretary of Defense and the Secretary of Energy that a high level of confidence in the safety or reliability of our nuclear weapons can no longer be certified, the President, in consultation with Congress, can withdraw from the Treaty.

The importance of this safeguard cannot be overstated. It ensures that we will be able to do what is necessary to maintain our nuclear arsenal.

President Kennedy, in his address to American University on June 10, 1963, spoke about the issue of verification while discussing the Limited Test Ban Treaty. He said,

> No treaty, however much it may be to the advantage of all, however tightly it may be worded, can provide absolute security against the risks of deception and evasion. But it can—if it is sufficiently effective in its enforcement and if it is sufficiently in the interests of its signers—offer far more security and far fewer risks than an unabated, uncontrolled, unpredictable arms race.

These words still hold true today. The risks posed by ratification of the Comprehensive Test Ban Treaty pale in comparison to the risks posed if we reject it. We have the opportunity, with this treaty, to open the door to a world without nuclear testing—a world that will be far safer from the danger of nuclear war.

Voting on the Comprehensive Test Ban Treaty is one of the most important decisions that many of us will ever make. This vote holds profound implications not only for our generation, but for all the generations in the future. It makes no sense to risk a premature vote now that could result in rejection of the Treaty. As the poet Robert Frost pointed out, ''Two roads diverged in a wood''—and the one we take may well make all the difference between peace and nuclear war.

I reserve the remainder of my time and yield it back to Senator BIDEN.

The PRESIDING OFFICER. The Chair recognizes the Senator from Delaware.

Mr. BIDEN. Mr. President, I will yield myself 5 minutes.

The argument has been made that the United States will not be able to modernize its deterrent arsenal to meet new threats or encounter new technologies under the Strategic Stockpile Stewardship Program, and that is why some of my colleagues are saying we cannot go ahead with this treaty.

I want to make it clear, the test ban treaty does not prevent us from adapting most operational characteristics of a nuclear weapons system to changing military missions, should we determine we have to do that. Many important parts of a nuclear weapon can confidently be developed, tested, and integrated into nuclear weapons without any nuclear tests because they do not involve changes in the primary or secondary components of the warhead; that is, the so-called physics package.

Dr. Paul Robinson, the Director of the Sandia National Laboratory, told the Armed Services Committee on Thursday night:

> Adapting deployed nuclear designs to new delivery systems, or even other delivery modes, is not constrained by the elimination of nuclear yield testing.

Let me put this in ordinary English. We keep being told here what has happened is, if we sign on to this treaty without this Stockpile Stewardship Program being fully completed, we are going to put ourselves at great disadvantage, amounting to nuclear disarmament; we will not be able to modernize our systems, and our systems are going to atrophy.

Dr. Robinson, the Director of Sandia, went on to describe a prominent success in the Stockpile Stewardship Program that is working now. We have nine deployed systems, nine different kinds of nuclear bombs. One of them is the B61 Mod-7 strategic bomb. That was adapted without any nuclear tests.

I have a photograph of that I will hold up now. That is a B–1 bomber. That red missile that is being dropped out of the belly of that bomber is a change in the B61 Mod-7 to a B61 Mod-11, in response to a different requirement.

What was the different requirement? The military said they needed a nuclear weapon that could destroy targets that were buried very deeply in the ground, and that Mod-7 version of the B61 nuclear warhead could not do that. So without any nuclear test, they tested a new system. It is called the Mod-11. That can penetrate the Earth deeply and destroy deeply buried targets.

This picture illustrates an important fact. You can test nearly everything in a nuclear weapon so long as you do not put enough nuclear material in it to cause an uncontrolled chain reaction. We did not set off this bomb, but we did test the bomb. You can take the plutonium out of the bomb, and put uranium in the bomb, and you can test it. It just doesn't set off this uncontrolled chain reaction. So this idea that we cannot change anything in our arsenal if we sign on to this is simply not correct.

By the way, the JASON Group, which is the most prestigious group of nuclear scientists in the United States of America, studied this, and they said the Strategic Stockpile Stewardship Program can maintain all of our systems. One particular member of that group, testifying before the committee, Dr. Garwin, points out that we can even exchange entire physics packages; that is the plutonium and that secondary package, that device that explodes it, that blows up. In my visual image of it, the best way to explain it, as I was trying to explain it to my daughter who is a freshman in college, what happens is you get this plutonium, and you have to have something to ignite it, set it off. So there is a secondary explosion that takes place, and it shoots all these rods into this plutonium at incredible speeds.

I yield myself 2 more minutes.

What happens is it detonates the weapon, this chain reaction starts, and you have a thermonuclear explosion.

The question has been raised whether or not, if we figured out that this plutonium was no longer either stable or functional or was not reliable, could you take out of the warhead the thing that makes it go boom, the thing that causes the chain reaction, the thermonuclear explosion, and put a new package in? Dr. Garwin says you sure can do that, without testing, without nuclear tests.

This year, the first W–87—that is another warhead—life extension unit was assembled in February for the Air Force at the Y12 plant in Oak Ridge. It met the first production milestone for the W–87 life extension.

These are major milestones and successes in the Stockpile Stewardship Program. I might add, as my friend from Massachusetts knows, nobody is suggesting we start to test now—nobody that I am aware of. I should not say nobody. Nobody I am aware of. There may be somebody suggesting it.

Preservation of the option of modernizing U.S. nuclear weapons to counter emerging defensive technologies, the phrase you hear, does not require ongoing nuclear testing. The most likely

countermeasures would involve changes to the missile and its reentry system, not to the nuclear explosive.

It is a red herring to suggest if we sign on to this treaty, we are locking ourselves into a system that is decaying and moving into atrophy and we are going to find ourselves some day essentially unilaterally disarmed. That is a specious argument.

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

Mr. BIDEN. I will be happy to yield.

Mr. KENNEDY. There were some questions raised in the Armed Services Committee.

The PRESIDING OFFICER. The Senator's 2 minutes have expired.

Mr. BIDEN. I yield time to the Senator.

Mr. KENNEDY. What assurances will we have that there will be continued funding for the Stockpile Stewardship Program? I imagine that the Senator agrees, if this is indeed a concern, that we would be glad to make funding for the Stockpile Stewardship Program mandatory. And, I doubt that there would be any hesitancy, on the part of our colleagues, to get broad support for this in the Senate, if that was what was needed so that ensuring funding for this important program wasn't an issue or a question.

Many of the witnesses at the hearings said: ''How do we know there will be continued funding? They may very well cut back that program.'' Is this another area about which the Senator is concerned, that we don't know whether, year-to-year, the funds will be available for the Stockpile Stewardship Program.

Can he give us some insight about his own thinking on how we can give assurances to the lab directors that there will be adequate funding for that program in the future?

Mr. BIDEN. The Senator, as usual, puts his finger on one of the incredible flaws in our opponents' reasoning. They engage in circular reasoning. It goes like this: Without spending money on the Stockpile Stewardship Program, roughly $4.5 billion a year for 10 years, we will not be able to attain, when the shelf life of these weapons is reached 10 years out or more, a degree of certainty that they are reliable and safe.

You say: OK, we will fund it; we are for it, and the President sends up that number.

Then they say: But we have a problem. Our Republican friends in the House won't vote for that much money, and we had to fight too hard to get it and they probably won't do it next year. The reason why, they go on to say, I am against this, although I think if we funded it, it would work and it would make sense, is my Republican colleagues in the House probably won't fund it; therefore, I can't be for this treaty because you guys are not funding the stockpile.

I find that absolutely fascinating, but it is the circular reasoning which is being engaged. It strings together a group of non sequiturs that end up leading to a conclusion that makes no sense.

The Senator has been here longer than I. Can he imagine, if we vote this treaty down and other nations begin to test, and those who voted it down are saying, by doing that, we think the United States should be able to test, can you imagine this or future Congresses coming up with $45 billion to perfect a Stockpile Stewardship Program which purpose and design is to avoid nuclear testing, to spend $45 billion for the redundancy? Can the Senator imagine us doing that?

Mr. KENNEDY. I certainly cannot. The Senator has put his finger on one of the many reasons for supporting the Stockpile Stewardship Program which is to give the necessary assurances that funding for maintaining our weapons stockpile will be there year after year. This was something I noted was a concern during the course of our hearings—this question about the need for adequate funding. And, the Senator has responded to that concern. There is broad support, certainly on our side or for those who support this treaty, for giving the assurance that funding would be there. It is just one more of the arguments made by those who oppose this treaty that has now been rebutted. I thank the Senator.

Mr. BIDEN. I thank the Senator for his response. I will raise this when we get to the amendments. I wish to point out there is one other ultimate safeguard. The ultimate safeguard is in the amendment, our last provision, which says, if, in fact, we do not fund the stockpile and that causes the laboratory Directors to say, ''We cannot certify,'' and that means the Secretary of Energy says, ''We cannot certify,'' the President of the United States, upon that determination, must withdraw from the treaty and allow us to begin to test. I am amazed at the arguments that are being made on the other side.

Mr. KENNEDY. If the Senator will yield on that question, so the amendment makes a change to the safeguards and makes this a mandatory requirement on the President to exercise the Supreme National Interest if the stockpile cannot be certified?

Mr. BIDEN. Yes.

Mr. KENNEDY. And, that is the measure that is going to be advanced by the leadership, yourself included, to be a part of the Resolution of Ratification?

Mr. BIDEN. That is correct. By the way, it is much stronger than any President wants. It is section (E) of the amendment we sent. I will read it to the Senator:

Withdrawal from Treaty.—If the President determines that nuclear testing is necessary—

The antecedent to that is the lab Directors say it—

to assure, with a high degree of confidence, the safety and reliability of the United States nuclear weapons stockpile, the President shall consult promptly with the Senate and withdraw from the Treaty pursuant to Article IX (2) of the Treaty in order to conduct whatever testing might be required.

It is pretty strong.

Mr. KENNEDY. I thank the Senator. It is about as clear as can be. I see our ranking member of the Armed Services Committee ready to speak, but I welcome again the comments of the Senator from Delaware about the risks to our international position if we fail to ratify or defeat the CTBT in terms of security and stability around the world and the continued possibility of nuclear testing over time.

As a member of the Armed Services Committee, I am pleased that we held narrowly focused hearings on the many national security implications of this treaty. It is important that we narrowly focused our attention on our own national security issues. But, these broader international security issues are powerful, and in rereviewing and reading again the letters, statements, and editorials sent in opposition to the Treaty, I think the importance of the broader international security issues, of further testing by other countries, and what the implications are going to be has been missed. I know the Senator addressed those, but I hope before we get into the final hours of this debate the Senator from Delaware will review that for the benefit of the membership.

Mr. BIDEN. Mr. President, I say to my friend from Massachusetts, this is another part of the circular reasoning. What I heard this morning on the floor and heard all day on Friday went like this: Without us being able to test, our 6,000 strategic nuclear weapons are going to become unreliable—which is ridiculous in my view. I strike the word ''ridiculous.'' Which is highly unlikely. I am trying to be polite. It is hard.

Then they say because it is going to become unreliable, two things are going to happen. One is that our allies are going to conclude that our deterrent is no longer credible and, therefore, they are going to lose faith in us. What they are then going to do is decide—Japan and Germany, which are nonnuclear powers—to become nuclear powers, and we are going to be escalating the arms race by passing this treaty.

The same day in an unprecedented move, to the best of my knowledge, the leader of Germany, the leader of France, and the leader of Great Britain sent an open letter to the Senate saying: We, Germany, Japan, and France, have ratified this treaty. We strongly urge you, the Senate, to ratify this treaty in the interest of your country as well as ours.

One of those signatories was the Chancellor of Germany, the very country my friends on the other side say, if we pass this treaty, Germany will go nuclear. I guarantee—I cannot guarantee anything. I will bet—I guess I am betting my career on this one—I will bet you anything that if we turn down

this treaty and it is clear that it cannot be revived, within a decade Germany and Japan are likely to be nuclear powers, particularly Japan, because what is going to happen is, India and Pakistan are going to continue testing. They will not sign this treaty. They say they will sign it now if we do. They will not sign the treaty. As India tests more and they move to deployment, China will test more.

China will test in order to determine whether or not they can build smaller, lighter thermonuclear devices where multiple numbers can be put on missiles. They will move from 18 nuclear weapons to God knows how many. Then Japan, sitting there in the midst of that region, is going to say, mark my words: We, Japan, have no choice but to become a nuclear power.

We have spent 50 years of our strategic and foreign policy initiatives to make sure that does not happen. But that is what will happen. So now, at the end of the day, are we likely to be more secure 15 years from now with the scenario I paint? Which is more likely? Is it more likely that turning down this treaty is going to turn Japan and Germany into nuclear powers, increase the total nuclear capacity of China, and move India and Pakistan further along the nuclear collision path? Is that more likely?

Or is it more likely—which is their worst case scenario—that what is going to happen is we are not going to fund the stockpile, we are not going to be able, in 10 years, to count on the reliability of our weapons, the weapons lab Directors are going to come to the Secretary of Energy, the Secretary of Defense and say, we can't certify any more Messieurs Secretaries, and they go to the President of the United States and say, we can't certify, and the President is going to say, oh, that is OK; don't worry about it. We are going to be bound by the treaty.

Which is a more likely scenario? What do you think? Which is more likely, that even if the stockpile degrades, any country, from China to our allies, is going to say, gee, their B–60 M–11 may not function as they thought it would, and maybe they will only be able to fire off 4,900 strategic hydrogen bombs. Maybe they will only be able to do that; therefore, they have lost their deterrent capacity. They no longer have credibility.

That is what you have to accept. You have to accept those kinds of arguments to sign on to the notion that most of our Republican friends are arguing.

Which is the more likely scenario? I would respectfully suggest that 85 percent or 80 percent of the American people are right. They figured it out. They figured it out.

So I hope I have responded, in part at least, to the Senator's question.

Mr. KENNEDY. You did. I thank the Senator.

Mr. BIDEN. I yield to the ranking member of the Armed Services Committee, the Senator from Michigan, Mr. LEVIN.

The PRESIDING OFFICER. The Chair recognizes the Senator from Michigan.

Mr. LEVIN. I thank my good friend from Delaware. I thank him also for the leadership he has shown, both on the floor and off the floor, in trying to bring this treaty to hearings before the Foreign Relations Committee, so that the full Senate could look at the pros and cons of this in a deliberative way.

I start with a reference that Senator BIDEN made to three of our good allies—France, Germany, and Great Britain. The chairman of the Foreign Relations Committee is here and perhaps he will recollect otherwise; and I would trust his recollection on this, if he does—but I cannot remember when three of our closest allies' leaders have addressed a direct plea to the Senate. At least in the 20 years I have been here, I do not remember a letter coming in from the Chancellor of Germany and the President of France, and the Prime Minister of Great Britain pleading with us to ratify a treaty. That is how serious the stakes are in this debate.

The world is looking to the Senate. Sometimes we say that and believe it is true; but in this case we say it and know it is true. Because the world has signed on both to a nonproliferation treaty and to a Comprehensive Test Ban Treaty.

There are a few exceptions, obviously. There are some states which will not sign any such treaty. But except for a few rogue nations, the world has signed on to a nonproliferation treaty and a Comprehensive Test Ban Treaty. The world is looking at us, expecting our leadership.

Even though the world is looking to us to ratify, that does not mean we should ratify this treaty if it makes us less secure. We should do what is in our security interests. But unless all of our allies and the rest of the world are wrong, the world will be a much more secure place if we stop testing nuclear weapons and if other countries stop testing nuclear weapons as well.

How do we tell India ''don't test'', if we ourselves want to test? How do we tell Pakistan, ''don't test; for God's sake, for your security and the world, don't test'', if we say, oh, but we want to continue to test?

What does that do to our argument? I would suggest it destroys it. It destroys our standing to try to persuade countries that want to become nuclear powers, that want to add to their inventories, that want to improve their inventories—it wipes out our standing to make the argument, if we say everybody else ought to stop testing but us.

We are the only superpower in this world. That gives us certain responsibilities. But one of those responsibilities is that we should be not just a superpower, but we should be superwise as well. We should realize that we are not always going to be the world's only superpower—nuclear or otherwise. We should behave with the realization that our actions today are going to affect the rest of the world, including the direction they go in terms of nonproliferation.

As I said, I would not care if every country in the world signed or ratified this treaty if it was not in our security interests. I think we ought to listen, we ought to understand what the rest of the world is saying to us, we ought to remember our own commitments. We signed up to the indefinite extension of the nonproliferation treaty, and made a commitment to the world to conclude a comprehensive test ban treaty. We should remember our own commitments. We should consider what our allies and the rest of the world are saying to us. But if it were not in our own security interest, I would not recommend that we ratify the treaty.

But we should surely listen to our top military leaders as to what they recommend to this Senate? What does the Chairman of the Joint Chiefs of Staff recommend strongly to the Senate? He says:

> The test ban treaty will help limit the development of more advanced and destructive weapons and inhibit the ability of more countries to acquire nuclear weapons. It is true that the treaty cannot prevent proliferation or reduce current inventories, but it can restrict nuclear weapons progress and reduce the risk of proliferation.

General Shelton said:

> In short, the world will be a safer place with the treaty than without it. And it is in our national security interest to ratify the CTBT.

Secretary Cohen said the following:

> By banning nuclear explosive testing, the treaty removes a key tool that a proliferator would need in order to acquire high confidence in its nuclear weapons designs.

Secretary Cohen said:

> Furthermore, the treaty helps make it more difficult for Russia, China, India, and Pakistan to improve existing types of nuclear weapons and to develop advanced new types of nuclear weapons.

Secretary Cohen said:

> In this way, the treaty contributes to the reduction of the global nuclear threat. Thus, while the treaty cannot prevent proliferation or reduce the current nuclear threat, it can make more difficult the development of advanced new types of nuclear weapons and thereby help cap the nuclear threat.

What the three world leaders, to whom I referred before and to whom Senator BIDEN referred earlier, said in their article and in their letter to us was the following:

> Rejection of the treaty in the Senate would remove the pressure from other states still hesitating about whether to ratify it. Rejection would give great encouragement to proliferators. Rejection would also expose a fundamental divergence within NATO. The United States and its allies have worked side by side for a comprehensive test ban since the days of President Eisenhower. This goal is now within our grasp. Our security is involved as well as America's. For the security of the world we will leave to our children, we urge the U.S. Senate to ratify the treaty. We

have President Chirac, Prime Minister Blair, Chancellor Schroeder of Germany, from their perspective, pleading with us to ratify this treaty. We have our top military leadership, uniformed and civilian, urging us to ratify this treaty. That is the kind of assessment which has been made of the value of this treaty. That is the kind of analysis which has been made.

We should think carefully before we reject it; before we defeat a treaty that is aimed at reducing the proliferation of nuclear weapons in the world; before we give up our leadership in the fight against proliferation; and our efforts to go after proliferators. We keep saying the proliferation of weapons of mass destruction is the greatest threat this Nation faces; our military leaders tell us this treaty is an important step in the fight against proliferation. Before we give up that leadership and defeat a treaty which is adding momentum to the battle against proliferators, we surely should stop and assess what it is this Senate is about to do.

It has been argued that we need testing for the safety of our stockpile. The answer is that the stewards of the stockpile, the lab Directors, for the last 7 years have been certifying safety and reliability of the stockpile based not on testing, which we have given up for 7 years already, but based on a Stockpile Stewardship Program which has allowed them to certify with a high degree of confidence that our stockpile is safe and reliable, without one test in the last 7 years.

Will they be able to do that forever? They think they can, but they are not sure. They told us they believe they will be able to continue to certify the safety and reliability of our stockpile without testing. They have also told us something else. Here I want to read a letter from them because there has been such a misunderstanding about what these three lab Directors have told us at our hearing. After the hearing, they wrote a joint statement from which I want to read:

> While there can never be a guarantee that the stockpile will remain safe and reliable indefinitely without nuclear testing, we have stated that we are confident that a fully supported and sustained stockpile stewardship program will enable us to continue to maintain America's nuclear deterrent without nuclear testing. If that turns out not to be the case, Safeguard F—which is a condition for entry into the Test Ban Treat by the U.S.—provides for the President, in consultation with Congress, to withdraw from the treaty under the standard ''supreme national interest'' clause in order to conduct whatever testing might be required.

People can quote different parts of the lab Directors' testimony. I was there for it. The bottom line is, while they cannot guarantee that the Stockpile Stewardship Program will always allow them to certify safety and reliability, they believe it will be able to do so, and therefore they are, in the words of one of them, ''signed onto'' this treaty. That is because if they can't certify the safety and reliability of our nuclear stockpile in some future year they have the assurance in safeguard F, by which we can withdraw from the treaty if we need to conduct a nuclear test. We have incorporated that safeguard and, indeed, strengthened it in the amendment to this resolution, that we will withdraw from this treaty and begin nuclear testing again if necessary. We do not want our stockpile to be unsafe or unreliable. Nobody does—none of us.

The question then is, Can we join the rest of the world, at least the civilized world, in a comprehensive test ban to fight the proliferation of nuclear weapons, and at the same time assure ourselves that if we need to test again, we will be able to do so by notifying the rest of the civilized world in advance that we retain the right to withdraw from the treaty and test if our security requires it? In other words, in the event the day comes when testing is needed to certify safety and reliability, we are putting the world on notice now that we intend to exercise that withdrawal clause.

Could somebody cheat? That is the other argument which has been used, that somebody could cheat at a very low level of testing, that somebody might be able to get away with it, that our seismic detection capability is not such that we would be certain we would catch a very low level test.

This is what Secretary Cohen says about the cheating question:

> Is it possible for states to cheat on the treaty without being detected? The answer is yes. We would not be able to detect every evasively conducted nuclear test. And from a national security perspective, we do not need to. But I believe that the United States will be able to detect a level of testing, the yield and number of tests, by which a state could undermine the U.S. nuclear deterrent.

So the Secretary of Defense is testifying that militarily significant cheating would be caught, that a low-level test by a power would be taking a huge risk in cheating, because there are other means besides seismic detection to get evidence of a cheating. But most importantly, if a signatory to this treaty decided to cheat and take that risk, they could not undermine our nuclear deterrent. It would not be a militarily significant cheating that could occur without our knowing it seismically. We would not have to rely on other means in order to discover a militarily significant act of cheating. Plus, General Shelton and Secretary Cohen have both told us that the treaty, if it comes into effect, will increase our ability to observe and monitor tests because it will create over 300 additional monitoring stations in 90 countries specifically in order to detect nuclear testing.

I will conclude with two points. One, this Senate is not ready to ratify this treaty. Indeed, maybe it never will ratify the treaty. But it is clear now that this Senate will not ratify the treaty at this time. I believe at a minimum we should do no damage, do no harm.

There are many of us who have not focused adequately on these issues, by the way. This has been a very truncated period of time for consideration, with very few hearings focused directly on the treaty. I know we had three hearings in the Armed Services Committee, and there was one in Foreign Relations last week that focused directly on this treaty.

We are here under a unanimous consent agreement which allows only one amendment by the majority leader and one by the Democratic leader to this treaty, an unusual restriction for consideration and deliberation of a treaty. No other amendments are in order; no other restrictions, conditions on a resolution of ratification, but the one. So we are here in a very restricted circumstance and a very short time limit. It is not a deliberative way to address a treaty. This Senate should do better.

At a minimum, my plea is, do no harm. Do no harm to the cause of antiproliferation. The way to avoid doing harm, regardless of where people think they are on the merits of the treaty, is to delay consideration of this treaty.

My final point has to do with the delay issue. There is a precedent for delaying a vote on a treaty even though a vote had actually been scheduled. The precedent is the most recent arms control treaty we looked at, I believe, which is the Chemical Weapons Convention. There was a vote actually scheduled on the Chemical Weapons Convention. There was a vote that was scheduled on the Chemical Weapons Convention for September 12, 1996. Shortly before that vote, Senator Dole, who was then a candidate for President, announced his opposition to the Chemical Weapons Convention. It was decided on the 12th, which I believe was the actual day scheduled by unanimous consent for a vote on the convention, it was decided to vitiate that unanimous consent agreement and to delay the vote on the Chemical Weapons Convention. A vote was set, by unanimous consent agreement, but given the opposition of one of the Presidential candidates—similar to what we have going on now, by the way, where we have opposing positions taken by Presidential candidates of both parties—it was decided then that it was the wiser course for the Senate to delay the vote on the Chemical Weapons Convention.

I said before on this floor last week that I think we are in an analogous situation to what occurred back in September of 1996. I raise it again for a very specific point. At that time, there were no conditions attached to the decision to delay the vote. The Senate agreed to vitiate the unanimous consent agreement, to delay the vote; but there was no requirement, no condition attached as to when it would be brought up or not brought up. It was simply to vitiate. People decided—we decided in this body—that it was a wiser course of action not to proceed under the circumstances—one similar to what exists now, but there are different circumstances now that are, I think, additional reasons not to vote at

this time, including the very narrow UC under which we are operating, with the strict consideration of a total of two amendments.

I suggest we look back—and we are going to do what each of us always does, which is follow our own consciences as to what is best for this Nation. In my judgment, ratification is best, but, clearly, that is not where the Senate is now. I hope there is a majority of us who believe, for various reasons, the better course of wisdom is that we not proceed to defeat this treaty at this time—whether it is because that defeat would constitute a blow to our leadership in the battle against proliferation in this world, as three major allies have told us, or whether it is because this institution has not had adequate time yet to fully understand and consider and deliberate over this very complicated treaty; for whatever reason—and many exist—I hope we will delay this vote. I cannot foresee a circumstance, as I have told my good friend from Virginia, where I would want to see this treaty brought up next year, given the fact that the election is at the end of next year. However, I can't preclude any circumstance from existing. I can't predict every world circumstance that would exist, where I would be comfortable saying we should under no circumstances consider this treaty, no matter what happens.

But I can, in good conscience, say I can't foresee any such circumstances because I can't. Will the world situation change? Will India and Pakistan begin testing because we fail to ratify? Will that then lead to China to begin their testing again? Will that have an impact on Russia? Will the political situation change in the United States where candidates of both parties will possibly decide that this treaty is in our best interest? Can I foresee any of that happening? No. Do I believe any of that will happen? No. But it could.

Circumstances can change. So I would not want to see us saying there are no circumstances under which anybody could even raise the question of consideration of this treaty next year. It is a very straightforward statement and, again, I conclude by saying, personally, I hope we delay the vote. Personally, I can foresee no circumstances under which this should be brought up next year. We should wait until after the Presidential elections, in the absence of some unforeseeable circumstance. But I hope that is what the Senate, in its deliberative wisdom, decides to do.

At this time, I have been authorized to yield 5 minutes to Senator DORGAN. I yield the floor.

The PRESIDING OFFICER (Mr. CRAPO). The Senator from North Dakota is recognized.

Mr. DORGAN. Mr. President, who will acquire nuclear weapons in the months and years ahead? Which countries? Which groups? Which individuals, perhaps, will acquire nuclear weapons? Many would like to acquire nuclear weapons. Terrorist groups would like access to nuclear weapons. Rogue countries would like access to nuclear weapons.

The cold war is over, the Soviet Union is gone, the Ukraine is nuclear free; the two nuclear superpowers are Russia and the United States. Between us, we have 30,000 nuclear weapons. What responsibility do we have as a country to try to prevent the spread of nuclear weapons to other countries and to reduce the nuclear weapons that now exist? Well, we have a lot of responsibility. It is our requirement as a country to exercise the moral leadership in the world, to reduce the dangers of nuclear war, and stop the spread of nuclear weapons.

Some have never supported any arms control agreements. I respect that. They have a right to do that. I don't agree with it. I think it is wrong. Nonetheless, there are those who have never supported any arms control agreements. Yet, arms control agreements work. We know they work.

I ask unanimous consent to show a piece of a Russian Backfire bomber wing on the floor of the Senate.

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

Mr. DORGAN. This is a piece of a wing sawed off of a Russian Backfire bomber. This bomber wasn't brought down from the skies with hostile fire. This bomber wasn't destroyed because of conflict. This piece of wing came from a Russian bomber because this country and the Russians have an agreement to reduce the number of bombers, missiles, and submarines in our arsenal, and reduce the number of nuclear warheads.

This other item is copper wiring, ground up from a Russian submarine that used to carry missiles with nuclear warheads aimed at the United States of America. Did we sink that submarine in hostile waters? No, it was destroyed and the wiring ground up by the Cooperative Threat Reduction Program, under which the United States assists in the destruction of bombers, missiles, and warheads in Russia. We bring down the number of weapons in our stockpile; they bring down the weapons in theirs. The delivery systems are brought down as well.

Does arms control work? Of course, it works. We know it works. That is why I am able to hold the part of a Russian bomber here in the U.S. Senate. Of course, it works. There are some who have never supported any of this. They have that right. But, in my judgment, the decision not to support aggressive arms control efforts is inappropriate and wrong.

Now we are debating the issue of whether we will have a Comprehensive Nuclear Test-Ban Treaty—something that was aspired to by President Eisenhower nearly 40 years ago. A Comprehensive Nuclear Test-Ban Treaty was something that President Eisenhower lamented he was not able to accomplish. Forty years later—after years of negotiation—2 years ago, it was sent to the Senate, signed by the President, and asked to be ratified in the Senate. It was sent to the Senate Foreign Relations Committee. I know there have been debates about it, but there was not one hearing in that Foreign Relations Committee in 2 years on the CTBT. And then, with 10 days' notice, it is brought to the floor of the Senate for a vote. Some say, well, that is fine. That is a consideration. That is not thoughtful consideration; that is a thoughtless way to handle this issue.

This is a serious issue, a big issue, an issue with great consequence. Ten days, no comprehensive hearings—that is a thoughtless way to handle this issue. India and Pakistan have detonated nuclear weapons literally under each other's chin. They don't like each other. That is an ominous development for the world. The question of whether it could result in a nuclear exchange or a nuclear war is a very real question. Can we as a country intervene to say, do not explode these nuclear weapons, do not test nuclear weapons? Do we have the ability to say to India and Pakistan that this is a dangerous step?

Mr. President, we had better have that resolve. That resolve must come from us.

I have heard a lot of reasons on the Senate floor why this should not be ratified all from the same folks who have never supported ratification of any treaty that would lead in the direction of arms control. All of the arguments I have heard, in my judgment, are not relevant to this treaty. It is proposed that somehow this treaty would weaken our country.

Here is what would happen when this treaty is ratified. The number of monitoring stations across the world will go to well over 300. We will substantially enhance our capability to monitor whether anyone explodes a nuclear weapon.

Here is what we have now. Here is what they will have if the CTBT enters into force.

How on Earth can anyone credibly argue that this doesn't strengthen our ability to detect nuclear explosions anywhere on the Earth? It is an absurd argument to suggest that somehow ratifying this treaty will weaken our country.

The last four Chairmen of the Joint Chiefs of Staff, all the senior military leadership now serving in this country, including Gen. Colin Powell, and previously retired Joint Chiefs of Staff support this treaty. Would they do so because they want to weaken this country? Of course not. They support this treaty because they know and we know this treaty will strengthen this country. It will strengthen our resolve to try to stop the spread of nuclear weapons. The Joint Chiefs of Staff say in a very real sense that one of the best ways to protect our troops and our interests is to promote arms control, in both the conventional and nuclear realms, arms control can reduce the chances of conflict.

Gen. Omar Bradley said, ''We wage war like physical giants and seek peace like ethical infants.''

There is not nearly the appetite that, in my judgment, must exist in this country—and especially in this Senate—to stand up for important significant issues—serious issues. That is what we have here.

The military leaders say this treaty is in this country's security interest. The scientists, 32 Nobel laureates, the chemists, physicists, support ratification. Dr. Garwin, who I was out on the steps of the Capitol with last week, who worked on the first nuclear bomb in this country, says this treaty is in this country's interest. We can safeguard this country's nuclear stockpile, the scientists say; we can do that, they say. And the detractors say, no, you can't. These detractors—let me talk for a minute about this.

National missile defense: They say: Let's deploy a national missile defense system right this minute. The Pentagon and the scientists say we can't, we don't have the capability. Our friends say: No. We don't agree with you. You can and you have the capability. They say: We demand you do it, and we want you to deploy it.

On the Comprehensive Nuclear Test-Ban Treaty, the detractors say: Well, it would weaken this country because we can't detect nuclear tests and we can't maintain our stockpile. And the military leaders and the scientists say: You are wrong. We can safeguard our stockpiles. We can detect nuclear explosions.

This selective choosing of when you are willing to support the judgment of the best scientists in this country or the military leaders of this country is very interesting.

Last week, Tony Blair, Jacques Chirac, and Gerhard Schroeder, the leaders of England, France, and Germany, sent an op-ed piece to the New York Times asking this country to ratify this treaty. That ought not be the position this country is in. This country ought to be a leader on this issue. Now, we are being asked by our allies to please lead. We ought not have to be asked to provide leadership to stop the spread of nuclear weapons. What are we thinking of?

Last week, the chairman of the Foreign Relations Committee referenced comments from the Governor of my State on the floor of the Senate, saying he is worried that the nuclear stockpile is not safe and pointing out that we have nuclear weapons in our State.

It is an interesting and brand new argument that I hear. I have not heard anyone stand on the floor of the Senate in recent months saying we have a real problem with the safety of the nuclear stockpile. This is just a straw man. That is what this is.

I know the majority leader thought it was probably an interesting strategy to bring up the treaty without comprehensive hearings, without comprehensive discussions and debate, and without much of an opportunity for the American people to be involved in the debate on a Comprehensive Nuclear Test-Ban Treaty, and then say we want to vote on it. We are going to kill this thing.

You know those who think that way I guess can grin all the way to the vote tally. But there won't be smiles on the faces of those around the world who rely on this country to be a leader in stopping the spread of nuclear weapons. This country has a greater responsibility in this area, and we can exercise that responsibility by voting to ratify this Comprehensive Nuclear Test-Ban Treaty.

The PRESIDING OFFICER (Mr. VOINOVICH). The Senator from Delaware.

Mr. BIDEN. Parliamentary inquiry: How much time is under the control of the Senator from Delaware?

The PRESIDING OFFICER. Twenty minutes.

Mr. BIDEN. Is there time on the amendment once the amendment is called up?

The PRESIDING OFFICER. There will be 4 hours equally divided on each of the two amendments that may be called up.

Mr. BIDEN. One last parliamentary inquiry. Am I able to call up the Democratic leader's amendment now, and would the time begin to run on that amendment now?

The PRESIDING OFFICER. The Senator may proceed.

AMENDMENT NO. 2291

(Purpose: To condition the advice and consent of the Senate on the six safeguards proposed by the President)

Mr. BIDEN. Mr. President, on behalf of the Democratic leader, I call up amendment No. 2291.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Delaware (Mr. BIDEN), for Mr. DASCHLE, proposes an amendment numbered 2291.

Mr. BIDEN. 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:

Strike all after the resolved clause and insert the following:

SECTION 1. SENATE ADVICE AND CONSENT SUBJECT TO CONDITIONS.

The Senate advises and consents to the ratification of the Comprehensive Nuclear Test Ban Treaty, opened for signature and signed by the United States at New York on September 24, 1996, including the following annexes and associated documents, all such documents being integral parts of and collectively referred to in this resolution as the ''Treaty,'' (contained in Senate Treaty document 105–28), subject to the conditions in section 2:

(1) Annex 1 to the Treaty entitled ''List of States Pursuant to Article II, Paragraph 28''.

(2) Annex 2 to the Treaty entitled ''List of States Pursuant to Article XIV''.

(3) Protocol to the Comprehensive Nuclear Test-Ban Treaty.

(4) Annex 1 to the Protocol.

(5) Annex 2 to the Protocol.

SEC. 2. CONDITIONS.

The advice and consent of the Senate to the ratification of the Treaty is subject to the following conditions, which shall be binding upon the President:

(1) STOCKPILE STEWARDSHIP PROGRAM.—The United States shall conduct a science-based Stockpile Stewardship program to ensure that a high level of confidence in the safety and reliability of nuclear weapons in the active stockpile is maintained, including the conduct of a broad range of effective and continuing experimental programs.

(2) NUCLEAR LABORATORY FACILITIES AND PROGRAMS.—The United States shall maintain modern nuclear laboratory facilities and programs in theoretical and exploratory nuclear technology that are designed to attract, retain, and ensure the continued application of human scientific resources to those programs on which continued progress in nuclear technology depends.

(3) MAINTENANCE OF NUCLEAR TESTING CAPABILITY.—The United States shall maintain the basic capability to resume nuclear test activities prohibited by the Treaty in the event that the United States ceases to be obligated to adhere to the Treaty.

(4) CONTINUATION OF A COMPREHENSIVE RESEARCH AND DEVELOPMENT PROGRAM.—The United States shall continue its comprehensive research and development program to improve its capabilities and operations for monitoring the Treaty.

(5) INTELLIGENCE GATHERING AND ANALYTICAL CAPABILITIES.—The United States shall continue its development of a broad range of intelligence gathering and analytical capabilities and operations to ensure accurate and comprehensive information on worldwide nuclear arsenals, nuclear weapons development programs, and related nuclear programs.

(6) WITHDRAWAL UNDER THE ''SUPREME INTERESTS'' CLAUSE.—

(A) SAFETY AND RELIABILITY OF THE U.S. NUCLEAR DETERRENT; POLICY.—The United States—

(i) regards continued high confidence in the safety and reliability of its nuclear weapons stockpile as a matter affecting the supreme interests of the United States; and

(ii) will regard any events calling that confidence into question as ''extraordinary events related to the subject matter of the Treaty'' under Article IX(2) of the Treaty.

(B) CERTIFICATION BY SECRETARY OF DEFENSE AND SECRETARY OF ENERGY.—Not later than December 31 of each year, the Secretary of Defense and the Secretary of Energy, after receiving the advice of—

(i) the Nuclear Weapons Council (comprised of representatives of the Department of Defense, the Joint Chiefs of Staff, and the Department of Energy),

(ii) the Directors of the nuclear weapons laboratories of the Department of Energy, and

(iii) the Commander of the United States Strategic Command, shall certify to the President whether the United States nuclear weapons stockpile and all critical elements thereof are, to a high degree of confidence, safe and reliable. Such certification shall be forwarded by the President to Congress not later than 30 days after submission to the President.

(C) RECOMMENDATION WHETHER TO RESUME NUCLEAR TESTING.—If, in any calendar year, the Secretary of Defense and the Secretary of Energy cannot make the certification required by subparagraph (B), then the Secretaries shall recommend to the President whether, in their opinion (with the advice of the Nuclear Weapons Council, the Directors of the nuclear weapons laboratories of the Department of Energy, and the Commander of the United States Strategic Command),

nuclear testing is necessary to assure, with a high degree of confidence, the safety and reliability of the United States nuclear weapons stockpile.

(D) WRITTEN CERTIFICATION; MINORITY VIEWS.—In making the certification under subparagraph (B) and the recommendations under subparagraph (C), the Secretaries shall state the reasons for their conclusions, and the views of the Nuclear Weapons Council, the Directors of the nuclear weapons laboratories of the Department of Energy, and the Commander of the United States Strategic Command, and shall provide any minority views.

(E) WITHDRAWAL FROM THE TREATY.—If the President determines that nuclear testing is necessary to assure, with a high degree of confidence, the safety and reliability of the United States nuclear weapons stockpile, the President shall consult promptly with the Senate and withdraw from the Treaty pursuant to Article IX(2) of the Treaty in order to conduct whatever testing might be required.

Mr. BIDEN. Mr. President, to put this in context, one of the unfortunate ways in which this debate has developed, in my view, on this very important treaty is that the President of the United States when he put his signature on the Comprehensive Nuclear Test-Ban Treaty attached to it a number of conditions when he referred the treaty to the Senate. He sent up, along with the treaty, a total of six conditions that he said he wanted added to the treaty before we ratified the treaty.

As we all know, in previous arms control agreements, it has been our practice in the Senate to add conditions to treaties. When it was agreed that we were given essentially an ultimatum that if we wanted to debate this treaty at all, we had to agree to the following time constraints.

I was under the impression that the starting point for this debate would be what the President said he wanted, which was he wanted us to ratify the treaty itself and the six conditions. I found out later it was only the treaty.

Although we were entitled to an amendment on each side, the Democratic side, or in this case the Democratic leader's amendment would have to be what the President said he wanted as part of the package to begin with in order to be for the treaty.

Usually what has happened, as the chairman of the Foreign Relations Committee knows, we debated at length, for instance the treaty on the Chemical Weapons Convention we had extensive hearings in the Foreign Relations Committee. The outcome of those hearings was that we voted on, or agreed upon, or we negotiated a number of conditions. There were 28 conditions before we brought it to the Senate floor.

That is the usual process. But since we didn't have the first formal hearing on this treaty until after it was discharged—that is a fancy word for saying we no longer had any jurisdiction—and it was sent to the floor, here we are in the dubious position of having to use 2 hours on the one amendment we have available to us, an amendment to ask that the President's whole package be considered. That is where we are.

The amendment that has been submitted by the Democratic leader contains six conditions that corresponded to the six conditions that the President of the United States said were needed in order for him to be secure with the Senate ratifying this treaty. These conditions were developed in 1995 before the United States signed the treaty. They were critical to the decision by the executive branch to seek the test ban treaty in which the standard would be a zero yield; that is, zero yield resulting from an uncontrolled chain react—a nuclear explosion.

We in turn think it is critical that in providing the advice and consent to this treaty, the Senate codify these six safeguards that the President of the United States said were conditions to the Resolution of Ratification. Let me explain why.

The safeguards were announced by President Clinton in August of 1995. They were merely statements of policy by the President, and there is no way for President Clinton to bind future Presidents with such statements. However, we can.

Conditions in a Resolution of Ratification, by contrast—which is what I am proposing now—are binding upon all future Presidents. Therefore, approval of these conditions will lock them in for all time, so that any future President or future Congress, long after we are gone, will understand that these safeguards are essential to our continued participation in the Comprehensive Test Ban Treaty.

Administration witnesses who testified before the Armed Services Committee and the Foreign Relations Committee underscored the importance of these safeguards during the Senate hearings last week. I suspect that is why our Republican friends didn't allow Members to bring these up as part of the original instruments. So we started off as we would had it come out of committee, with the actual treaty, plus the conditions attached. I expect the reason they didn't want this side to do that is it would strengthen the hands of those who were for the treaty.

I understand the tactical move, but I think it is unfortunate because, as we all know, the witnesses who testified from the administration, others from the laboratories, and others who were with the laboratories and were in former administrations, all those people who testified underscored the importance of these safeguards. In other words, they didn't want the treaty without these safeguards.

During the testimony before the Armed Services Committee, Dr. Paul Robinson, Director of Sandia Laboratory, testified:

The President's six safeguards should be formalized in the resolution of ratification.

General Shelton, Chairman of the Joint Chiefs of Staff, stated:

The Joint Chiefs support ratification of CTBT with the safeguards package.

Of the six conditions, the first, the third, and the last are interrelated and probably the most important. The first condition relates to the Stockpile Stewardship Program. Anyone who has listened to this debate now understands what that is. The Stockpile Stewardship Program will be essential to ensuring the safety and reliability of our nuclear weapons in the future. It requires this condition: That the United States shall conduct a science-based Stockpile Stewardship Program to ensure a high level of confidence in the safety and the reliability of nuclear weapons in our active stockpile.

As we have all heard over the course of this debate, this Stockpile Stewardship Program is a 10-year, $45 billion, or $4.5 billion-a-year, project that is designed to maintain the nuclear stockpile, and it will involve cutting-edge science, as it already has. It is already underway, and the Directors of the three National Laboratories have testified they believe they can maintain the stockpile of our nuclear weapons if the funding is provided.

Already there have been difficulties, particularly in the other body, in securing this level of funding. This first condition our amendment contains will assure that the funding will be there. The third condition which is in the amendment before the Senate requires that the United States ''maintain the basic capability to resume nuclear test activities prohibited by the treaty in the event that the United States ceases to be obliged to adhere to the committee.'' That means countries have to have a place to test the weapons underground.

We could let our underground test facilities go to seed and not maintain them, so that when the time came that we ever did have to pull out of this treaty, we would not be prepared to be able to resume testing. So we say as a further safeguard against the remote possibility that we will not be able to, through the Stockpile Stewardship Program, guarantee the reliability and safety of our weapons, a condition of the United States staying in this treaty is that the Congress appropriate the money and the President and future Presidents use the money to maintain the facilities necessary to be able to resume this testing if that event occurs.

The effort to maintain this capacity is also well underway, I might add. It is also tied to the Stockpile Stewardship Program. Subcritical experiments—and we use certain phrases so much around here, sometimes it is easy to forget that most Members don't have nuclear weapons as their primary responsibility, and people listening on C–SPAN or the press aren't—although many are—required to spend time to know what certain phrases mean. A subcritical experiment means a country can set off an explosion that doesn't start a chain reaction. It only becomes critical when there is a chain reaction, which makes it a nuclear explosion. Subcritical means before the rods go banging

into the plutonium and something is started. That is a chain reaction.

The subcritical experiments at the Nevada Test Site, which are a vital part of our stockpile stewardship, also enable test site personnel to keep and hone their skills and practice the procedures for actual nuclear weapons tests. Translated, that means we have specialized scientists who in the past have participated in the over 1,000 nuclear detonations we have used over the history of our program, and that without having detonated a nuclear explosion since 1992, these skilled scientists still keep their skills honed by going into this test site facility and doing subcritical tests; for example, using uranium instead of plutonium or performing other tests that don't require a nuclear explosion.

We are not only maintaining the capability of being able to do a nuclear explosion; we are maintaining the necessary personnel. The fact that subcritical experiments are scientifically valid and challenging also serves to make work at the test site worthwhile and attractive to skilled personnel.

The reason I bother to mention that, in an argument against the treaty by one of the scientists who testified, I think before Senator HELMS' and my committee, the Foreign Relations Committee, he said: We really like to make things go boom. He said: I'm a scientist; I like to make them go to the end of the experiment. I like to conduct them that way. But I can do it without making them go boom.

What people worry about now, if you are not going to ''make 'em go boom,'' if you are not going to explode them, some will say scientists won't want to be involved in that; it is not as exciting as if they could actually test. That is an argument that says we will lose a whole generation of nuclear scientists who know how to conduct these tests and know how to read them.

Other scientists come along and, with the laboratories, say: No, no, no; we can keep all the interest we need to keep in a group of young scientists who will replace the aging scientific community who have been performing the tests because we will do what we call subcritical tests at the sites where we used to do the critical tests.

Part of the agreement, part of the understanding, the requirement, is these facilities have to be maintained as opposed to saying we have a treaty now, we will not do nuclear explosions, so why spend the money on maintaining these facilities?

The answer is: To keep scientists interested and to bring a whole new next generation of brain power into this area so they will have something they believe is worthwhile to do, as opposed to them going out and inventing new widgets, or deciding they are going to develop a commercial product or something. That is one of the legitimate concerns.

The second concern has been: Once you pass this treaty, you know what you are going to do; you are going to stop funding the hundreds of millions of dollars it takes over time to maintain this place to be able to explode a nuclear weapon if we need to.

We said: Do not worry about that; we are going to pass a treaty, and we commit to spend money to continue to do it. If we do not, it is a condition not met and the President can leave the treaty. That is the third condition.

The sixth condition is a failsafe mechanism, available to future Presidents in case the critics of the stockpile program turn out to be right. Again, I might point out the critics of the stockpile program, including my good friend, and he is my good friend, are the very ones who have great faith in the Star Wars notion, great faith in the ability to put this nuclear umbrella over the United States so not a single nuclear weapon could penetrate and blow up and kill 5, 10, 20 million Americans. They have faith in that scientific capability, whether it is laser-based space weapons or whether it is land-based systems. But they do not have faith in the ability to be able to test a weapon that has not been exploded.

I understand that. It is a bit of a non sequitur for me to suggest you can have faith in one and not the other. I point out, as a nonscientist, as a plain old lawyer, it seems to me it takes a lot more to guarantee if somebody flies 2, 10, 20, 50, 100 nuclear weapons at the United States, you will be able to pick them all out of the sky before they blow up and America will be held harmless, than it would be to determine the reliability of this bomb you take out of a missile, sit on a table at a test site, and test whether or not it still works or not without exploding it. One seems more complicated than the other to me. But maybe not. At any rate, after spending $45 billion and all this scientific know-how, we have to continue to be able to guarantee the reliability of our weapons. We have a sixth condition.

Article IX of the treaty, I remind everyone, contains a standard withdrawal clause. I am talking not about the condition; I am talking about the treaty itself now. Article IX has a standard withdrawal clause, permitting any party who signs the treaty the right to withdraw 6 months after giving notice; that is, start testing.

We could ratify this tomorrow. We still have to wait for another 23 nations to ratify it, but we could reach the critical mass—no pun intended—where enough nations sign and the treaty is in effect, and 6 months after that the President of the United States says: I no longer think this is in the national interest of the United States of America. I am notifying you within 6 months we are going to start testing nuclear weapons and withdraw. That is what this article IX does.

But what we do is, if the President—and this is a quote:

> . . . decides that extraordinary events related to the subject matter of the treaty have jeopardized its supreme interests[,]

—he can withdraw from the treaty.

Every year pursuant to the safeguard—I am back on the safeguards now—every year, we are saying, if this amendment is adopted, pursuant to safeguard 6, the National Laboratories' Directors at Las Alamos, Sandia and Lawrence Livermore, all three of them have to go to the Secretary of Defense and the Secretary of Energy and certify that the Stockpile Stewardship Program is still working and they, the scientists at our three National Laboratories say: We certify the reliability and safety of our nuclear weapons.

The President, then, certifies to the Congress that there is a high degree of confidence in a safe and reliable stockpile.

If any one of those National Laboratory Directors—and there is a redundancy in what they check. By the way, do you know how it works now? The way it works now, we have nine deployed systems, nine different types of hydrogen bombs located in the bellies of airplanes, on cruise missiles, in the bellies of submarines, on longer range missiles, or in a silo somewhere in the United States of America. Every year these National Laboratory Directors go out and get 11 of these warheads from each of those nine deployed systems. They take them back to the laboratories and they dissect them, they open them up, they look at them—to overstate it—to see if there is any little corrosion there in the firing pin, that sort of thing. It is much more complicated, but they check it out.

They take one of them and they dissect it, similar to what a medical student does with a cadaver. They bring in 11 people, 10 of whom they give a thorough physical, the 11th they kill, cut up, and see if everything is working when they look inside. They do that now, and there is redundancy in the system. The three laboratories do that.

Then they have to go to the Secretary of Energy and the Secretary of Defense and say: We can certify that our arsenal out there is reliable and safe.

But, if, under our condition 6, any one of those lab Directors says, ''No, I don't think I can certify this year, I don't think I can do that,'' then the Secretary of Energy has to be told that, and the Secretary of Energy, who is their immediate boss, has to then tell the President: No, no, we can't certify, Mr. President. And under No. 6, safeguard No. 6, the President shall consult with us and must withdraw from the treaty.

Let me read the exact language. It says this under E, page 5 of the amendment, ''Withdrawal from the treaty.'' ''If the President determines,'' and I just explained how he determines—if it is sent to him by the lab Directors and the Secretaries of Energy and Defense who say we can't certify:

> . . . if the President determines that nuclear testing is necessary to assure with a high degree of confidence the safety and reliability of the United States nuclear weapons

stockpile, the President shall consult promptly with the Senate and withdraw from the treaty pursuant to article IX.

He doesn't have a choice. He has to withdraw. That is the ultimate safeguard.

So for those over there who say if it turns out this Stockpile Stewardship Program doesn't work, they have to assume one of two things if that conclusion is reached. They have to assume the lab Directors are going to lie and they are going to lie to the Secretary of Energy. They are going to say: We can't verify this, we can't certify it, but we are going to do it anyway. They then have to assume the Secretary of Defense and the Secretary of Energy will say: Although we know we can't certify, we are going to lie to the President, and we are going to tell the President our nuclear stockpile is no longer reliable, but don't say anything, Mr. President.

And they have to assume, then, that the President, knowing that this stockpile is no longer reliable, would look at the U.S. Congress and say: I, President Whomever, next President, certify that we can rely on our stockpile.

They either have to assume that or they have to assume their concern about our stockpile is not a problem because the moment the President is told that, he has to call us and tell us and withdraw from the treaty, which means he can begin nuclear testing.

Remember condition 3. We said you have to keep those big old places where they do the nuclear tests up to date. So he can begin to test.

So what is the big deal? What are we worried about, unless you assume future Presidents are going to lie to the American people, they are going to lie, they are going to say we can rely on this when we cannot?

At the end of the process, if the President determines resumption of testing is necessary, then he has to start testing. That is what section 6 says. So we put the world on notice that we have a program in place to maintain a reliable stockpile.

If that does not work and we need to test, we put the world on notice as well today that we will and are prepared, politically and in practical terms, to withdraw from this treaty. I should emphasize that the certification process, as I have said, is extremely rigorous: For 3 years running, the lab Directors have certified to the safety and reliability of our stockpile, but only after detailed review by thousands of people at our labs.

The other three conditions involve the need to maintain several key elements of our national infrastructure. They require us to maintain modern nuclear laboratory facilities and programs in theoretical and exploratory nuclear technology and infrastructure of equipment and personnel, if you will—that is required—the continuation of a robust research and development program for monitoring, and, finally, our amendment requires the development of a broad range of intelligence gathering and analytical capabilities and operations to ensure accurate information about nuclear programs around the world.

These six conditions should have been part of the treaty anyway, but they would not let us add them. We are going to add them now, with the grace of God and goodwill of our neighbors and 51 votes. These six conditions are essential to ratification of the treaty. If you do not want this treaty to work, then you will vote against this amendment.

I acknowledge if these safeguards are not there, nobody wants the treaty. The President does not want the treaty. The lab Directors do not want the treaty. No one wants the treaty. There may be others that would be useful to add or even necessary for ratification of the treaty, but the leadership has said we can only have one amendment.

They will recall that my own resolution, which led to this process, proposed only hearings and final adoption by March 31 of next year. I want to put that in focus. I see others want to speak, so I will yield, but I want to make it clear it has been said time and again on the floor by the leader himself—and I am sure he unintentionally misspoke—he said he received a letter from 45 Democratic Senators saying they wanted a vote.

Mr. HELMS. I don't want the Senator to yield at an improper time——

Mr. BIDEN. I will finish this one point, and I will be delighted to yield the floor.

Mr. HELMS. I have been following the amendment.

Mr. BIDEN. I know the Senator has, and I appreciate that. I appreciate the respect he has shown for the efforts I have been making, notwithstanding we disagree on this considerably.

I want to make this closing point at this moment, and that is, it has been said by the Republican leader, Senator LOTT, that 45 Senators demanded a vote on this treaty now. But 45 Senators signed a letter, including me. It was a Biden resolution—one that was about to be voted on when we were on another piece of legislation—that we have extensive hearings this year and that final action not occur until the end of March of next year, so everybody could have a chance to go through all of these hearings, so everybody could have a chance to debate what we are talking about at much greater length than today.

There has not been the bipartisan negotiation on conditions to this Resolution of Ratification that usually occurs during consideration of treaties.

Mr. President, I see my friend from North Carolina is seeking recognition. I will be delighted to yield the floor to him.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. If the Senator will yield.

Mr. BIDEN. I will be delighted to.

Mr. HELMS. Mr. President, I compliment the Senator on the explanation of his amendment. I have been following him as he has been going along. We are far from being opposed to the amendment. We do not have any problem with the safeguards.

Mr. President, I ask unanimous consent that the pending amendment No. 2291 be agreed to and the motion to reconsider be laid upon the table.

Mr. BIDEN. Mr. President, reserving the right to object—and I obviously do not want to object to my own amendment—we do have a time problem. I would be delighted to do that if the Senator would allow the remainder of the time on this amendment to be used on the Resolution of Ratification, so we do not use up—I have a number of Senators who wish to speak. That means I will only have 20 minutes left to debate this entire issue. I will be delighted to have it accepted. I probably have about an hour or 20 minutes or 30 minutes or 40 minutes left on the amendment; is that correct?

Parliamentary inquiry: How much time is left on the amendment?

The PRESIDING OFFICER. Ninety-one minutes.

Mr. BIDEN. Mr. President, I ask unanimous-consent that the Senator's unanimous consent request be agreed to, with the condition that the remaining 91 minutes and the 2 hours remaining on the side of the Republican leadership be added to the time remaining on the Resolution of Ratification.

Mr. HELMS. Mr. President, I have no objection to that.

Mr. BIDEN. I have no objection to the unanimous consent request. I thank the Senator.

The PRESIDING OFFICER. Is there an objection to the request of the Senator from North Carolina with the proposed modification?

Without objection, it is so ordered.

The amendment (No. 2291) was agreed to.

Mr. SARBANES addressed the Chair.

Mr. BIDEN. Mr. President, we have been going back and forth. Senator SARBANES is seeking recognition, but I see our friend Senator BROWNBACK is here. It is his turn if he wishes to speak.

Mr. BROWNBACK. I am willing to yield to Senator SARBANES if he wishes to speak.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. BIDEN. How much time does the Senator need?

Mr. SARBANES. Ten or 12 minutes.

Mr. BIDEN. I yield 10 minutes to the Senator from Maryland.

The PRESIDING OFFICER (Mr. INHOFE). The Senator from Maryland.

Mr. SARBANES. Mr. President, parliamentary inquiry. The amendment was adopted; is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. SARBANES. I thank the Chair.

Mr. BIDEN. There was a motion to reconsider made as part of the unanimous consent agreement and the motion to table.

The PRESIDING OFFICER. That is correct.

The Senator from Maryland.

Mr. SARBANES. Mr. President, I rise in support of the Comprehensive Nuclear Test-Ban Treaty, the CTBT, to which the Senate has been asked to give its advice and consent. This is a landmark agreement that will help stem the tide of nuclear proliferation and reduce the risk of nuclear confrontation. In my view, it is a treaty that, on balance, will serve U.S. interests and strengthen U.S. security.

The Comprehensive Test Ban Treaty is a product of nearly 40 years of labor. The idea was first endorsed in 1958 by President Eisenhower, who recognized that the most effective way of controlling the development and spread of nuclear weapons was to ban their testing.

In 1963, the United States took the first step toward this end by signing and ratifying the Limited Test Ban Treaty, which prohibits nuclear explosions in the atmosphere, outer space, and under water.

Further limitations were established through the Threshold Test Ban Treaty, signed in 1974, and the Peaceful Nuclear Explosion Treaty, signed in 1976. Under those treaties, the United States and the Soviet Union agreed to halt underground explosions larger than 150 kilotons.

When the cold war came to an end, sentiment began to build for a comprehensive ban on nuclear testing. President Bush signed legislation establishing a moratorium on such testing that was joined by France and Russia and continues to this day.

In January 1994, the Geneva Conference on Disarmament began negotiations on a treaty to forbid all nuclear explosions. An agreement was concluded in August of 1996, and the following month, President Clinton became the first world leader to sign the new treaty. It was submitted to the Senate for advice and consent to ratification just over 2 years ago, on September 24, 1997.

The Comprehensive Test Ban Treaty is relatively simple and straightforward.

First, it prohibits all explosions of nuclear devices. It does not ban the development or production of nuclear materials, nor does it affect activities to maintain a secure and reliable stockpile. By establishing a zero threshold on nuclear yield that affects all countries equally, the treaty draws a clear and consistent line between what is permitted and what is not.

Second, the treaty sets up a regime of verification and inspections, consultation and clarification, and confidence-building measures. An International Monitoring System of 321 monitoring facilities is to be established, and all data will be stored, analyzed, and disseminated by an International Data Center. In addition, information that the United States obtains through its own intelligence can be used as the basis for a short-notice, on-site inspection request.

Let me emphasize that. Information that the United States obtains through its own intelligence can be used as the basis for a short-notice, on-site inspection request.

Third, the treaty creates an organization to ensure proper implementation and compliance, and to provide a forum for consultation and cooperation among States Parties. The new body will have a Technical Secretariat responsible for day-to-day management and supervision of the monitoring and data-collection operations, as well as a 51-Member Executive Council, on which the United States would have a seat. Both the Technical Secretariat and the Executive Council are to be overseen by a Conference of States Parties, which will meet at least annually.

Finally, the treaty provides for measures to redress a situation and ensure compliance, including sanctions, and for settlement of disputes. Violations may result in restriction or suspension of rights and privileges under the treaty, as well as the recommendation of collective measures against the offending party and the referral of information and conclusions to the United Nations.

As Stephen Ledogar, who was the Chief Negotiator of the treaty for the U.S., testified before the Foreign Relations Committee, the United States objected to the inclusion of specific sanctions because of concerns about appointing an international organization ''to be not just the investigator and special prosecutor, but also the judge, jury, and jailer.'' He explained, ''we reserve for a higher body, the United Nations Security Council in which we have a veto, the authority to levy sanctions or other measures.''

The CTBT, which has been signed by some 154 countries and ratified by 48, has drawn broad support not only from among the American population, but from key U.S. military and intelligence officials and from our key allies.

It has been endorsed by the Chairman of the Joint Chiefs of Staff, Gen. Hugh Shelton, as well as former Chairmen Gen. John Shalikashvili, Gen. Colin Powell, Gen. David Jones, and Adm. William Crowe, and the directors of all three national laboratories that conduct nuclear weapons research and testing.

NATO's Defense Planning Committee and Nuclear Planning Group called for ratification and entry into force ''as soon as possible.'' Thirty-two Nobel laureates in physics have written to the Senate stating that ''it is imperative that the CTBT be ratified,'' and noting that ''fully informed technical studies have concluded that continued nuclear testing is not required to retain confidence in the safety, reliability and performance of nuclear weapons in the United States' stockpile, provided science and technology programs necessary for stockpile stewardship are maintained.''

Despite the importance of the CTBT for U.S. national security, formal consideration of the treaty has not taken place over the last 2 years. Now we are suddenly called upon to register a judgment without the benefit of proper hearings and committee debate. While I have come to the conclusion that the merits of this treaty outweigh its risks, and that it is therefore deserving of Senate advice and consent to ratification, I do regret that an issue of such significance should be taken up without the normal course of hearings and proceedings leading up to the consideration of a measure of this magnitude.

Let me outline a few of the reasons why I support this treaty. First, it will help reduce threats to U.S. national security. A complete ban on testing makes it harder for countries already possessing nuclear weapons to develop and deploy more sophisticated new designs, and for those seeking nuclear capability to initiate a nuclear weapons program. As we know, relatively simple bombs can be built without testing, but creating smaller, lighter weapons that are easier to transport and conceal and that require less nuclear material is difficult without explosive tests.

With a global ban in place, a nation intent on conducting tests would take on the burdens not only of increased expenses and technical dangers, but also the risk of detection and imposition of international sanctions. In a very real sense, the CTBT locks in U.S. nuclear superiority while preventing reignition of arms races that constitute serious threats to our national security.

The CTBT also promotes U.S. security by strengthening the Nuclear Non-Proliferation Treaty, the NPT, which entered into force in 1970 and was extended indefinitely in 1995. The NPT is the bedrock of international arms control policy, representing a bargain in which non-nuclear weapons states promised to foreswear the acquisition of nuclear weapons and accede to a permanent inspection regime so long as the nuclear powers agreed to reduce their arsenals. In order to gain approval for permanent extension of the Nuclear Non-Proliferation Treaty, the five declared nuclear powers promised to negotiate and ratify a test ban treaty.

The CTBT further advances U.S. interests by providing additional tools to enhance our current monitoring and detection capability. The International Monitoring System will record data from 321 sensor stations—262 beyond what the United States possesses today.

The new facilities include 31 primary and 116 auxiliary seismic monitoring stations, 57 radionuclide stations to pick up traces of radioactivity, 8 hydroacoustic stations to detect explosions on or in the oceans, and 50 infrasound stations to detect sound pressure waves in the atmosphere. Thirty-one of the new or upgraded monitoring stations are in Russia, 11 in China, and 17 in the Middle East, all

areas of critical importance to the United States.

And one of the burden-sharing advantages of the treaty is that the United States will have access to 100 percent of the information generated by these 321 sensor stations but will pay only 25 percent of the bill for obtaining it.

Since the United States has not conducted a nuclear explosion in 7 years, and is unlikely to test with or without this treaty, the major effect of the CTBT is to hold other countries to a similar standard. It includes surveillance to identify warhead problems, assessment to determine effects on performance, replacement of defective parts, and certification of remanufactured warheads. Our policy is to ensure tritium availability and retain the ability to conduct nuclear tests in the future, should withdrawal from the test ban regime be required.

Thus, under the treaty, the United States will be able to depend on its nuclear deterrent capability, while other nations will find it much more difficult to build weapons with the degree of confidence that would be needed to constitute an offensive military threat. Any country that should test would find itself the subject of international response; whereas in the absence of a treaty, such behavior carries no penalty.

It has been suggested that the United States should wait until more of the nuclear capable countries—whose ratification is essential for the treaty to go into effect—have ratified before moving forward on the treaty ourselves. Yet what incentive have the countries with only peaceful nuclear reactors to proceed, when the one country with the greatest number of deployed strategic warheads is unwilling to do so?

Just as with the Chemical Weapons Convention, where U.S. approval facilitated ratification by Russia, China, Pakistan and Iran, U.S. ratification of the Comprehensive Test Ban Treaty will create increased momentum and pressure for others to come along. The treaty cannot enter into force without us, but it needs our support to convince others to join.

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

Mr. SARBANES. Mr. President, I yield myself 4 additional minutes.

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

Mr. SARBANES. Indeed, all of our major allies have weighed in with their strong support for this treaty, which is particularly significant since they rely on our nuclear deterrent for their own defense.

An article in the Washington Post on October 8 reported that:

> The world's major powers, including America's closest allies, warned the United States today that failure to ratify the multinational nuclear test ban treaty would send a dangerous signal that could encourage other countries to spurn arms control commitments.

German Foreign Minister Joschka Fischer was quoted as saying:

> What is at stake is not just the pros and cons of the test ban treaty, but the future of multilateral arms control.

I ask unanimous consent the full text of that article be printed in the RECORD at the conclusion of my remarks.

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

(See Exhibit 1.)

Mr. SARBANES. Perhaps as compelling as the case in favor of the treaty are the potential consequences of a negative vote. Senate rejection of the treaty could severely weaken the Nuclear Non-Proliferation Treaty, for which a review conference is scheduled next April.

It is entirely possible, as the Washington Post reported, that ''some nonnuclear countries might regard failure to ratify the treaty as a broken promise that would relieve them of the obligation to comply with key parts'' of the Nuclear Non-Proliferation Treaty. Such a result would not only undercut U.S. leadership and credibility on nonproliferation, threatening our policy objectives in Iraq and North Korea, among other places, but could increase the likelihood of resumed testing and aggravate the situation in South Asia.

Resumed testing would not only threaten regional security and U.S. strategic interests but could pose new challenges to public health and the natural environment. According to the Energy Department, more than one out of seven underground U.S. nuclear tests since 1963 vented radioactive gases into the atmosphere, and the problem will obviously be much worse in countries that do not take or cannot afford the same level of environmental protections.

Some have objected that the treaty will be difficult to verify, that it will prevent the United States from maintaining a safe and reliable nuclear arsenal. While no treaty is completely verifiable, I believe the CTBT will increase, rather than decrease, our ability to monitor the development of nuclear weapons and preserve, not forfeit, our nuclear superiority.

In his statement before the Armed Services Committee on October 6, Secretary of Defense William Cohen addressed this point at length. I will quote the Secretary because I think his observations are extremely important.

> CTBT evasion is not easy; it would require significant efforts in terms of expertise, preparations and resources. In the end, the testing party has no guarantees that its preparation or its nuclear test will escape detection and possible on-site inspection, despite its best efforts. In addition, detection capability varies according to the location of the clandestine test and the evasion measures employed; a potential evader may not understand the full U.S. monitoring capability, thus adding to his uncertainty. Further, detection of a nuclear explosion conducted in violation of the CTBT, would be a very serious matter with significant political consequences. . . . Under CTBT, I believe the U.S. will have available sufficient resources to deter or detect, with confidence, the level of clandestine nuclear testing that could undermine the U.S. nuclear deterrent and take timely and effective counteraction to redress the effects of any such testing.

I yield myself 2 additional minutes.

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

Mr. SARBANES. Moreover, to the extent Members are concerned with the adequacy of procedures for onsite inspections, I would remind them that, as with the Chemical Weapons Convention, these procedures were crafted with an eye not only to gaining access to other countries' facilities, but also to guarding against overly intrusive inspections within the United States. The lead U.S. treaty negotiator, Stephen Ledogar, explained to the committee how those procedures were developed:

> This Treaty provides for on-site inspections on request by any Treaty party and with the approval of the Executive Council. No state can refuse an inspection. The U.S. position from the start was that on-site inspections were critical to provide us with added confidence that we could detect violations. And, if inspections were to be effective, they had to be conducted absolutely as quickly as possible after a suspicion arose, using a range of techniques with as few restrictions as possible. However, the U.S. also had to be concerned with its defensive posture, as well as an offensive one. It was necessary to ensure that sensitive national security information would be protected in the event of an inspection on U.S. territory. The U.S. crafted a complicated, highly detailed, proposal that balanced our offensive and defensive needs. There was resistance from some of our negotiating partners. However, by the time we were through, the Treaty read pretty much like the original U.S. paper put together jointly by the Departments of Defense, Energy, and State, the Intelligence Community, and the then-existing Arms Control Agency.

With regard to the security of our nuclear arsenal, the President has proposed six safeguards which will define the conditions under which the United States enters into the CTBT, and which, as I understand it, have been incorporated into the Resolution of Ratification. I ask the ranking member, these have now been adopted; is that correct?

Mr. BIDEN. That is correct, with some modifications making them even stronger.

Mr. SARBANES. And those dealt with the conduct of the Stockpile Stewardship Program, the maintenance of modern nuclear laboratory facilities, the maintenance of a basic capability to resume testing, should it become necessary, the continuation of a comprehensive research and development program to improve our monitoring capabilities, the continued development of a broad range of intelligence gathering, and the ability to withdraw from the CTBT if the safety or reliability of a nuclear weapon type critical to our nuclear deterrent could no longer be certified.

I believe these safeguards will ensure that U.S. national security interests can be met within the context of the treaty.

Mr. President, I support ratification, but there do not appear to be enough

votes to approve it. The President, in his letter requesting that action be delayed, stated that

. . . proceeding to a vote under these circumstances would severely harm the national security of the United States, damage our relationship with our allies, and undermine our historic leadership over 40 years, through administrations Republican and Democratic, in reducing the nuclear threat.

I agree with the President's assessment. Therefore, I urge my colleagues to join in voting to postpone consideration of the treaty while we undertake to build the necessary understanding and political support that will lead to its ultimate ratification.

If we cannot approve the treaty, ratify it, then surely we should delay its consideration, postpone its consideration while we continue to explore the matter further, rather than, in my judgment, doing the grave harm that would come to the national security, as the President has outlined.

I ask unanimous consent that two editorials from the New York Times in support of the treaty be printed in the RECORD.

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

[From the New York Times, Oct. 12, 1999]

FIGHTING FOR THE TEST BAN TREATY

Despite the important contribution it would make to a safer world, the nuclear Test Ban Treaty stands virtually no chance of mustering enough support to win Senate ratification this week. Allowing it to be voted down would deal a damaging blow to America's foreign policy and military security. The wiser course is to delay Senate action for at least a few months, as President Clinton requested yesterday, giving the White House more time to overcome the arguments of treaty critics.

But Republican senators are recklessly insisting on an immediate vote unless Mr. Clinton agrees to withdraw the treaty for the rest of his term. That is something he should avoid, because it would signal to the rest of the world that the White House, not just the Senate, is edging away from the Test Ban Treaty.

Mr. Clinton refuses to be bound by such conditions. Nevertheless some Senate treaty supporters, including Daniel Patrick Moynihan of New York, are trying to put together a deal under which Mr. Clinton would not give up on the treaty, while Senate Democrats would refrain from pushing it in this Congress. The White House suggests it could accept such an arrangement.

The message that Washington sends to the world matters a lot. One audience consists of countries like India and Pakistan, which are still trying to decide whether to sign the treaty and would be unlikely to do so if the Clinton White House gave up on eventual Senate ratification. For these countries to remain outside the test ban would encourage a dangerous nuclear arms race in south Asia that could easily draw in nearby countries like Iran and China. It could also fuel the ambitions of other intermediate powers, like Saudi Arabia and Taiwan, to join an expanding nuclear club.

Another group of countries includes established nuclear nations such as China and Russia. Like Washington, Beijing and Moscow have signed the treaty but not yet ratified it, and are observing a voluntary moratorium on nuclear tests.

As long as Mr. Clinton continues to campaign for the Test Ban Treaty and there remains a reasonable chance that Washington will someday ratify it, these countries are likely to refrain from further testing. But if hopes for eventual American ratification recede, China or Russia might be tempted to test again in an effort to improve their bomb designs and narrow America's present lead in nuclear weapons technology.

These considerations argue strongly for delaying the vote rather than giving up on it for this Congress. The treaty is backed by America's military leaders, public opinion and Washington's main allies. Good answers are available to the objections so far raised by Senate critics. True, the election-year political calculus is not favorable, and ultimately it may be necessary to wait until a new President and a new Senate take office early in 2001. But American interests are best protected if in the interim Washington does not disavow the treaty.

[From the New York Times, Oct. 8, 1999]

KEEPING THE TEST BAN TREATY ALIVE

If the nuclear Test Ban Treaty fails to win ratification next week, as it probably will, Senate Republicans will deserve much of the blame. The Republican leadership has behaved in a narrowly partisan fashion that paid little heed to America's international interests and trivialized the Senate's constitutional role in evaluating treaties. But the White House failed to put together a coherent strategy for assembling the needed two-thirds Senate majority, and then allowed itself to be outmaneuvered into a compressed timetable that left too little time for an intensive lobbying campaign.

The resulting failure will weaken American security. India and Pakistan will be more likely to develop their nuclear arsenals and China will be increasingly tempted to resume testing to exploit new weapons designs, some of which may have been stolen from the United States. The goal now should be to try to limit the damage by keeping open the possibility that the Senate can be persuaded to ratify the treaty in the months to come.

To that end, the White House must reject the terms the Republicans now offer for canceling next week's vote. These include the outrageous requirement that President Clinton not seek ratification during his remaining 15 months in office. That would make things worse than they already are, leaving other countries wondering whether Mr. Clinton has abandoned the treaty he signed three years ago. Unless the Republicans agree to a postponement without this timetable, the White House should let the Senate proceed toward a vote next week—trying, between now and then, to win as many extra Republican votes as possible. If that effort falls short, Mr. Clinton should concentrate his Presidential energies on building enough support to justify a new ratification effort as soon as possible.

Republican senators have raised several arguments against the treaty, most of which evaporate on close inspection. Some doubt whether American intelligence agencies can detect very-low-yield nuclear tests. Others worry that America's nuclear stockpile might deteriorate without testing. Some mistakenly believe that missile defenses will make arms control treaties unnecessary.

The Administration has answered these objections convincingly. Approving the treaty would speed creation of a stronger worldwide monitoring system. Despite doubts expressed yesterday by the heads of America's nuclear labs, Washington's stockpile stewardship program, based on computer simulations, can keep existing weapons reliable and nurture the scientific skills that could create new ones if the treaty ever broke down. Missile defense can at best supplement arms control, not replace it.

There is every reason for Republicans of conscience to vote for this treaty, but little chance that they will. Mr. Clinton's challenge now will be to sway enough Senate votes to make ratification possible before he leaves the White House.

EXHIBIT 1

[From the Washington Post, Oct. 8, 1999]

U.S. ALLIES URGE SENATE TO RATIFY TEST BAN

(By William Drozdlak)

VIENNA, Oct. 7—The world's major powers, including America's closest allies, warned the United States today that failure to ratify the multinational nuclear test ban treaty would send a dangerous signal that could encourage other countries to spurn arms control commitments.

With the Senate scheduled to begin debating the treaty Friday, envoys from nearly 100 nations at a conference here, including Russia, China, Britain and Germany, expressed alarm that the United States appears to be on the brink of rejecting the Comprehensive Test Ban Treaty. The pact, which President Clinton signed in 1996, would prohibit nuclear test explosions world-wide.

Diplomats said British Prime Minister Tony Blair and French President Jacques Chirac will soon make rare personal appeals to the United States to approve the accord, prior to a possible Senate vote next week.

In Washington, it was unclear if a compromise would be reached to postpone a vote on the treaty. Both sides agree that the pact will be defeated if it comes to a vote on Tuesday or Wednesday as scheduled. In the latest blow to the accord's prospects, Sen. Richard G. Lugar (R-Ind.), an influential arms control advocate, declared his opposition.

Majority Leader Trent Lott (R-Miss.) was sticking to his position late today that a vote can be delayed only if the Clinton administration promises not to try to revive the treaty before the president leaves office. The White House has rejected that proposal, and Sen. Joseph R. Biden Jr. (D-Del.), the ranking minority member of the Foreign Relations Committee, said he is ''not hopeful'' that the vote could be postponed.

Here in Vienna, diplomats said that Blair and Chirac will urge American treaty opponents to forgo partisan politics and weigh the damaging impact a negative vote would have on U.S. leadership in the effort to halt the spread of weapons of mass destruction.

There was particular concern here that some non-nuclear countries would regard failure to ratify the treaty as a broken promise that would relieve them of the obligation to comply with key parts of another accord, the Nuclear Non-proliferation treaty. That pact is considered the linchpin of international efforts to limit the spread of nuclear weapons.

International anxiety also has been compounded by new worries over U.S. efforts to escape constraints imposed by the Anti-Ballistic Missile (ABM) Treaty, which limits the ability of the United States to build systems to defend against missile attack.

Russia and China say it would destabilize the strategic balance if the United States built a missile defense system, because Washington could be tempted to attack others if it felt invulnerable to retaliation. That could trigger a new arms race as other nations sought ways to overwhelm missile defenses.

Many nations are surprised by the Senate's hesitation to approve the test ban treaty, in part because the accord is widely regarded

abroad as locking in American nuclear superiority. Until recently, the treaty had gained strong momentum as the ratification process moved ahead and a world-wide sensor system was deployed to detect even the tiniest indication of a nuclear explosion.

More than half of the 44 nations with nuclear facilities whose ratification is necessary for the treaty to take effect have already done so. U.S. approval is deemed critical to persuade other nations, including Russia and China, to ratify. Even more important, India and Pakistan, who pledged to sign the test ban treaty under enormous international pressure, are said to be awaiting Senate action before making their final decision.

''It would be a highly dangerous step for the Senate to reject this treaty,'' said Peter Hain, Britain's minister of state for foreign affairs. ''If the test ban treaty starts to unravel, all sorts of undesirable things could happen. It would send the worst possible signal to the rest of the world by giving a green light to many countries to walk away from promises not to develop nuclear arsenals.'' Hain and other delegates here spoke at a long-planned conference organized to discuss how to put the test ban treaty into effect.

German Foreign Minister Joschka Fischer said the rest of the world would be watching the Senate test ban vote closely because of its possible effect in eroding support for the non-proliferation treaty. ''What is at stake is not just the pros and cons of the test ban treaty, but the future of multilateral arms control,'' Fischer said.

Diplomats fear that a failure to put the test ban treaty into effect soon would discourage some ''threshold'' countries—those close to developing nuclear weapons—from cooperating with intrusive inspections under the non-proliferation treaty. Such inspections are designed to prevent them from cheating and secretly developing nuclear weapons.

Jayantha Dhanapala, the U.N. undersecretary for disarmament affairs, said many countries agreed to a permanent inspection regime four years ago only on the basis of a written guarantee by the nuclear powers to negotiate and ratify a worldwide test ban as one of several key steps toward nuclear disarmament.

In a grand diplomatic bargain struck in 1995, the inspection program was made permanent for some 175 nations that have promised to forswear nuclear weapons. In exchange, the powers—the United States, France, Britain, Russia and China—pledged to reduce nuclear arsenals and approve a treaty that would ban test explosions that help upgrade their weapons.

''If the Senate rejects ratification, it would send a very negative signal that will act as a brake on the momentum we have achieved to control the nuclear threat, because some countries would see this vote as a betrayal of a promise,'' Dhanapala said.

The head of the U.S. delegation, Ambassador John B. Ritch III, said a main theme of the Vienna conference has been international alarm over isolationist thinking that has spurred Senate opposition to the treaty. He said foreign delegates found it difficult to understand how the Senate could consider backtracking from a ban on nuclear explosions even though polls show as much as 80 percent of the American public support the treaty.

China's representative here said that U.S. failure to ratify the test ban treaty would be ''a very negative development'' and joined others in expressing concern that the United States is shunning its obligations on global arms control.

''I don't like to talk about any country exercising world leadership, but in this case we see that the United States must play a special role,'' Sha Zukang, China's top arms control official, said in an interview. Sha added that China is even more alarmed by U.S. efforts to develop a regional missile defense system than by the Senate's reluctance to approve the test ban treaty.

Boris Kvok, Russia's deputy chief of disarmament issues, said the U.S. decision on the test ban treaty would not affect the deliberations of Russia's parliament on the pact or alter his country's test moratorium. ''But if the U.S. moves ahead with ballistic missile defense, it would be a disaster for strategic stability in Europe and the world. And we would have to start developing new weapons to correct this imbalance,'' Kvok said.

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

Mr. BROWNBACK addressed the Chair.

The PRESIDING OFFICER. The Senator from Kansas is recognized.

Mr. BROWNBACK. Mr. President, I yield myself up to 10 minutes to speak on the Comprehensive Test Ban Treaty.

Mr. President, there have been a number of arguments put forward against and for the Comprehensive Test Ban Treaty. We have heard, most recently, arguments for ratification of the treaty. I join my colleague from Maryland in noting that I think there would be a wide basis of support saying we should not bring it up at this time. But neither should we bring it up next year. I know a number of my colleagues on this side of the aisle would say it would be a good thing if we could agree not to go ahead and go forward with a vote now, but not to do that during this session of Congress, either the rest of this year or next year, so we won't constantly be going back and visiting this issue during this Congress. We have it on the floor and it is time to discuss it. I think people can agree that we won't hear it again this Congress, and we can move forward with that discussion and have this debate and not proceed to a vote if people think that would do more harm than good.

I want to address a number of arguments put forward by the President and by others on this Comprehensive Test Ban Treaty. I note the President stated in his weekly radio address that every President since Eisenhower—a Kansan—has supported this treaty. The reality of this is actually that no previous administration, either Republican or Democrat, has ever supported the zero-yield test ban now in this treaty before the Senate. Eisenhower insisted that nuclear tests with a seismic magnitude of less than 4.75 be permitted. Kennedy terminated a 3-year moratorium on nuclear tests, declaring that ''never again'' would the United States make such a mistake. He then embarked upon the most aggressive series of nuclear tests in the history of the weapons program. Carter, Reagan, and Bush all opposed a zero-yield test ban while in office. Even the present administration initially opposed a permanent zero-yield test ban before signing onto the CTBT.

It has been claimed that the CTBT hasn't been given enough Senate floor time. The unanimous-consent agreement provides for 22 hours of debate on the CTBT. By contrast, the START treaty had 9.5 hours; START II had 6 hours; the Chemical Weapons Convention had 18 hours. We are going to put a lot of time in on this. The White House insisted for 2 years that the Senate vote on the CTBT, using terms such as ''now,'' ''immediately,'' ''right away.'' Now when we are ready to vote, they don't seem to be willing to enter into that debate and vote.

Another thing the President said in his news conference in Canada was this was being ''politically motivated.'' I reject that, Mr. President. You do not consider items such as this with any consideration for political motivation. This is nuclear testing we are talking about. This is a critical issue to the world—to my four children. That is something you don't interject any bit of politics into. I reject that notion altogether.

There are a couple of other arguments bantered about quite a bit—one that I have taken most note of because it causes me the most pause to think is what would other countries think if we voted down the treaty? Would that cause more proliferation? I cannot read the minds of the leaders in China, Russia, Pakistan, or India, but there are people with a great deal of wisdom and experience who did hazard a guess in that area and have put forward thoughtful statements. One was put forward by former Secretaries of Defense Weinberger, Cheney, Rumsfeld, Laird, Carlucci, and Schlesinger. All of them signed this quote:

> We also do not believe the CTBT will do much to prevent the spread of nuclear weapons.

Now, you have six former Secretaries of Defense saying that.

> The motivation of rogue nations like North Korea and Iraq to acquire nuclear weapons will not be affected by whether the U.S. tests. Similarly, the possession of nuclear weapons by nations like India, Pakistan, and Israel depends on the security environment in their region, not by whether or not the U.S. tests. If confidence in the U.S. nuclear deterrent were to decline, countries that have relied on our protection could well feel compelled to seek nuclear capabilities of their own. Thus, ironically, the CTBT might cause additional nations to seek nuclear weapons.

That was a quote from the six former Defense Secretaries—Weinberger, Cheney, Rumsfeld, Laird, Carlucci, and Schlesinger.

This is a quote from General Vessey, former Chairman of the Joint Chief of Staff:

> Supporters of the CTBT argue that it reduces the chances for nuclear proliferation. I applaud efforts to reduce the proliferation of nuclear weapons, but I do not believe that the test ban will reduce the ability of rogue states to acquire nuclear weapons in sufficient quantities to upset regional security in various parts of the world. ''Gun-type'' nuclear weapons can be built with assurance they'll work without testing. The Indian and

Pakistani ''tests'' apparently show that there is adequate knowledge available to build implosion type weapons with reasonable assurance that they will work. The India/Pakistan explosions have been called ''tests,'' but I believe it to be more accurate to call them ''demonstrations,'' more for political purposes than for scientific testing.

A letter signed by John Deutch, Henry Kissinger, and Brent Scowcroft says:

Supporters of the CTBT claim that it will make a major contribution to limiting the spread of nuclear weapons.

It is the same argument we hear time and time again, which I wish to be true because I want this to be a nuclear-free world. They say:

This cannot be true if key countries of proliferation concern do not agree to accede to the treaty. To date, several of these countries, including India, Pakistan, North Korea, Iran, Iraq, and Syria, have not signed and ratified the treaty. Many of these countries may never join the CTBT regime, and ratification by the United States, early or late, is unlikely to have any impact on their decisions in this regard. For example, no serious person should believe that rogue nations like Iran or Iraq will give up efforts to acquire nuclear weapons if only the U.S. signs the CTBT.

If you think about that, they are not going to respond to what we do.

This is a letter from Edward Teller to Senator HELMS. He says this in the letter, dated February 4, 1998:

The point I must make is that, in the long run, knowledge and ability to produce nuclear weapons will be widely available. To believe that, in the long run, proliferation of nuclear weapons is avoidable is wishful thinking and dangerous. It is the more dangerous because it is a point of view that the public is eager to accept. Thus, politicians are tempted to gain popularity by supporting false hopes.

This is a former Assistant Director, ACDA, Fred Eimer. He says this:

In conclusion, Mr. Chairman, the proposed treaty will put our nuclear deterrent at risk without significant arms control or nonproliferation benefits. Other nations will be able to conduct militarily significant nuclear tests well below the verification threshold of the Treaty's monitoring system, and our own unilateral capability.

I make these statements simply because this is a big issue. It is an important issue, and a lot of people have thought a great deal about it. I think it to be an inappropriate time to enter into such a treaty that would so limit the United States, given all the great concerns and testing and things going on around the world.

I want to give some final quotes of former Directors of the National Weapons Laboratories. They also oppose the CTBT.

Roger Batzel, Director Emeritus, sent this letter on October 5:

I urge you to oppose the Comprehensive Test Ban Treaty. No previous administration, either Democrat or Republican, ever supported the unverifiable, zero yield, indefinite duration CTBT now before the Senate. The reason for this is simple. Under a long-duration test ban, confidence in the nuclear stockpile will erode for a variety of reasons. I don't think it can be put forward any clearer than that. This is a key part of our deterrence. We simply cannot go ahead and enter into this treaty at this time at our own great loss and our own great peril.

I note again for my colleagues on the other side of the aisle that a number of us are very willing and interested that this not go forward for a vote. We don't want it to go forward for a vote in this session of Congress, either this year or next year.

The notion that it would be pulled down now, then somehow come back next year during the middle of a Presidential election, and be used as some sort of political tool at that time seems to many of us to be far more frightening, with what might happen in the political debate, with the atmosphere and the use of this treaty in its discussions for political purposes.

That is why we continue to support not voting on this now. Let's also agree that we will not do it during this session of Congress.

I have used up my allotted period of time. I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Mr. President, I know that earlier the Democratic side proposed an amendment which was accepted by this side. I did want to speak to that for just a moment because I don't believe anyone should suffer any illusions that the so-called safeguards that are part of this amendment are going to in any way enhance the treaty and make it more palatable. We accepted it because it is what is being done anyway. It wouldn't have to be added to the treaty. The President theoretically is pursuing these things. He should pursue them. But they are not going to make the treaty any better or worse.

For example, the first item is the Stockpile Stewardship Program. It has been assumed all along that there would be a Stockpile Stewardship Program. We don't have to amend this in order to achieve that.

The problem is, the Stockpile Stewardship Program is very troublesome even if you assume there would be assurance at the end of the day that it could do the job it was designed to do because some people are assuming that design is a total replacement of testing. It was never designed to totally replace testing but merely to give us a greater degree of confidence in the reliability and safety of our nuclear weapons, not that it could totally replace testing.

But even if you laid that aside, the notion was that the Stockpile Stewardship Program would be ready in a decade. This was announced about 3 years ago. Now we are being told it will be ready by the year 2010.

There are slips along the way that suggest problems with the Stockpile Stewardship Program. It is behind budget. We haven't been budgeting the amount of money that was indicated as necessary to maintain it—the $4.5 billion a year. We have also not indexed for inflation. So each year that we supply the $4 billion or so, we are getting further behind because we are not indexing that to inflation.

We have also included other programs within the Stockpile Stewardship Program that were never intended to be funded out of it, such as the tritium production facility for our nuclear weapons. That was to be a separate area of funding. This administration has folded that into the Stockpile Stewardship Program, with the result that even more of the money necessary for the ASCI Program and other key parts of the Stockpile Stewardship Program will be shorted if we have to spend that money for tritium.

In addition to that, let me quote a letter I received from the former Director of one of our National Laboratories. This is a letter sent to me in September of this year from John Nuckolls who is the former Director at Livermore. Here is what he said:

A post-CTBT or other funding reduction would increase the uncertainty in long-term stockpile reliability. Current and projected funding is inadequate. Substantial additional funding is needed for SSP experimental efforts including construction of an advanced hydro facility.

I also note that the so-called ignition facility, which is planned as a part of this, is also behind schedule and over budget.

As Mr. Nuckolls pointed out, we are already behind. We are getting further behind, and I don't think anyone should put that much reliance as a result in the Stockpile Stewardship Program.

Another safeguard is the nuclear laboratory facilities and programs. Of course, we are going to maintain our nuclear laboratories and facilities. I don't think anybody would ever assume we were not going to do that. So this adds nothing to the treaty. The question is, Can you maintain these without nuclear testing? It turns out it is much more difficult to do so.

Again, quoting from Mr. Nuckolls' letter to me, I will quote the first part of his answer:

In an extended duration nuclear test ban, confidence in the stockpile would be adversely affected by loss of all nuclear test trained and validated expert personnel, major gaps in our scientific understanding of nuclear explosives, nuclear and chemical decay of warheads, accidents and inadequate funding of the Stockpile Stewardship Program.

All nuclear test trained/validated expert personnel would eventually be lost. Training of the replacement workforce would be seriously handicapped without nuclear testing, and expert judgment could not be fully validated. A serious degradation of U.S. capabilities to find and fix stockpile problems, and to design and build new nuclear weapons would be unavoidable.

In other words, what is perceived as a good thing—these nuclear laboratory facilities and programs—is actually being allowed to deteriorate without testing. We simply won't have the people available in order to maintain those facilities and to be prepared to do the things he says are necessary to be done. A serious degradation of U.S. capabilities would be unavoidable.

We are not talking about something hypothetical and unimportant. We are talking about the U.S. nuclear stockpile. This is the person who used to run this National Laboratory. He is telling us we had better be careful putting our reliance on that program.

The third of the so-called safeguards is the maintenance of nuclear testing capability. That is fine, except that we are not doing it. This President should be doing it. He claims to be doing it. But it is not being done. We now know it would take 2 or 3 years to get back to the point where we could test.

I again quote from Mr. Nuckolls' letter:

> In an extended duration nuclear test ban, the nuclear test site infrastructure is likely to decay or become obsolete. Nuclear test experienced personnel would be lost. A series of nuclear tests to diagnose complex reliability problems and to certify a fix, or to develop new weapons could take several years. . . .
>
> Nuclear testing has been essential to the discovery and resolution of many problems in the stockpile.

The point he is making is that you can't just say you are going to be able to resume testing unless you take active and take serious steps to maintain that readiness. We are not doing it. And he says in a test ban of this kind, we would not be able to do it.

The fourth item is the continued comprehensive research and development program. Of course, we are going to be doing that. Intelligence gatherings, analytical capabilities—we will do the best we can on that, although, as has been pointed out, it is inadequate.

Senator RICHARD LUGAR, an arms control advocate and an expert in this body, has concluded reluctantly that this treaty is not verifiable and enforceable and, as a matter of fact, it cannot be made so.

Let me quote from the Washington Times of today because it talks about how we negotiated this treaty and how we negotiated the provisions for verification and enforcement. Let me read from the story which is headlined, ''Moscow, Beijing balk at monitors. Testing sites not included in nuke treaty.'' I am quoting now:

> Russia and China refused to permit seismic monitoring near their nuclear weapons test sites that could have resolved some verification problems now troubling the Comprehensive Test Ban Treaty, according to U.S. government officials.
>
> Clinton administration officials and congressional aides said the failure of U.S. negotiators to win the cooperation of Moscow and Beijing was a ''negotiating failure'' that undermined the treaty. It also is a key reason U.S. intelligence agencies said both nations could conduct hidden nuclear tests without detection.

Before I finish this quotation, let me point out why this is important.

Mr. BIDEN. If the Senator will yield, from what document is he reading?

Mr. KYL. The Washington Times, Tuesday, October 12.

Mr. President, I ask unanimous consent that The Washington Times article be printed in the RECORD.

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

MOSCOW, BEIJING BALK AT MONITORS

(By Bill Gertz)

Russia and China refused to permit seismic monitoring near their nuclear weapons test sites that could have resolved some verification problems now troubling the Comprehensive Test Ban Treaty, according to U.S. government officials.

Clinton administration officials and congressional aides said the failure of U.S. negotiators to win the cooperation of Moscow and Beijing was a ''negotiating failure'' that undermined the treaty. It also is a key reason U.S. intelligence agencies said both nations could conduct hidden nuclear tests without detection.

The officials, who spoke on the condition of anonymity because of sensitive intelligence issues, said the treaty's international monitoring system that includes 50 ''primary'' seismic stations and 120 ''auxiliary'' seismic stations does not include stations close to China's remote northwestern Lop Nur testing site in Xinjiang province, or Russia's arctic Novaya Zemlya.

U.S. intelligence agencies suspect the two locations were used recently for small nuclear test blasts.

China's test on June 12 may have been part of efforts by Beijing to build smaller warheads for its short-range missiles, or multiple warheads for its intercontinental ballistic missiles (ICBMs), U.S. intelligence officials said.

Two suspected nuclear tests detected near Novaya Zemlya on Sept. 8 and Sept. 23 are believed to be part of Russia's secret nuclear testing program.

U.S. intelligence agencies reported recently to policy-makers and members of Congress that Russia and China are the two nations are most interested and capable of conducting covert tests. ''Both have locations where they could conduct secret tests that would not be detected,'' said one intelligence official.

The official said that during treaty negotiations from 1994 to 1996 at the Conference on Disarmament in Geneva, U.S. negotiators failed to press for Russian and Chinese agreement to tougher monitoring provisions in the treaty that would satisfy the concerns of U.S. spy agencies about cheating.

According to the official, ''if Russia had been convinced to have one facility at Novaya Zemlya and China agreed to have one near Lop Nur, the level of verification would have improved greatly.''

Russia and China also blocked a treaty provision that would have required treaty signatories to allow small explosive tests that would have ''calibrated'' regional seismic stations so they accurately measure underground blasts, the officials said.

Without the calibration, the regional stations will provide misleading or confusing data that undermines more accurate data provided by primary stations, they said.

A National Intelligence Estimate, the consensus judgment of all U.S. intelligence agencies, presented a finding in 1997 that said verifying the test-ban treaty will be difficult.

That estimate is currently being revised and is expected to conclude that because of the lack of verification and the possibility that states could conduct secret tests without detection, the treaty is even more difficult to verify, said officials close to the intelligence community.

Under the treaty, Russia will have six primary seismic stations and 13 secondary stations; China will have two primary seismic posts and four secondary facilities.

None of these stations, however, is located close enough to the main Russian and Chinese testing facilities to be able to detect tests conducted covertly inside underground caves, or tests of very small nuclear blasts, the officials said.

By contrast, the United States has five primary seismic monitoring facilities under the treaty, including one in Nevada, where the main U.S. nuclear testing site is located. It will also have 11 secondary sites.

Michael Pillsbury, a former acting director of the U.S. Arms Control and Disarmament Agency, said China would have agreed to better seismic monitoring if Beijing were pushed into it.

''Chinese officials have told me that if the Clinton administration had pushed harder they would have agreed to a primary site near the test site,'' said Mr. Pillsbury, who also took part in a recent Defense Science Task Force study on nuclear weapons, ''but the Chinese had the impression the Clinton administration didn't place as a high priority on treaty verification as they did on maintaining good trade relations.

A Senate defense specialist said Russia agreed to allow more sensitive seismic monitors to be placed near Novaya Zemlya, but only if the United States agreed to provide Moscow with advanced computers and U.S. nuclear weapons testing data. The administration refused.

On Russia, the aide said the administration faces a dilemma. ''Either they accuse the Russians of violating the treaty or concede the treaty cannot be verified,'' the aide said.

U.S. intelligence agencies are now saying that ''you can have militarily significant developments below the [seismic] detection threshold,'' the aide said.

Administration officials have said verification is not as important as promoting the agreement itself as a deterrent to nuclear weapons proliferation.

''The CIA has indicated that they cannot verify to a hundred percent whether or not someone has conducted a nuclear test,'' Defense Secretary William S. Cohen said Sunday on NBC's ''Meet the Press.''

''But we believe with this treaty, you're going to have at least an additional 320 sites that will help monitor testing around the world,'' he said. ''. . . We are satisfied we can verify adequately, not a hundred percent, but satisfy ourselves that there is no testing doing on that would put us at any kind of a strategic disadvantage.''

Asked about the fact, that the United States cannot detect unclear blasts below a few kiloton yield, Secretary of State Madeleine K. Albright said: ''We can detect what we need to.''

''Those that are below a certain level, we do not think would undercut our nuclear deterrent because they would be so small that they would not affect our nuclear deterrent capacity,'' Mrs. Albright said on ABC's ''This Week.''

A Pentagon official, however, said the Clinton administration is supporting anti-nuclear-weapons activists by supporting the test ban.

Mr. KYL. Mr. President, the Senate has a solemn obligation under our Constitution to be a backstop. We are not supposed to be a rubber stamp to treaties. If we were simply to rubber stamp whatever the President sent to us, our founding fathers wouldn't have provided a separate advice and consent responsibility for the Senate. As a matter of fact, we would be doing the Office of the Presidency a big favor by exercising that responsibility in a responsible way, saying that when we find

treaties that lack even minimal standards, then we need to say no, so that our negotiators in the future will be able to negotiate stronger provisions—provisions that we seek because we understand their importance and necessity for sensible arms control.

If we simply ratify what is acknowledged to be a flawed treaty, then our negotiators are never going to be able to say no to bad terms and we are always going to have to then go to the lowest common denominator in these treaties—treaties which then become bad for the United States; treaties which are unverifiable and unenforceable. Those are concepts that used to cause the Senate to say no, to say we won't approve a treaty that doesn't have good verification or enforcement provisions. Those are minimally necessary for sensible treaties.

Our negotiators tried to avoid a zero-yield basis in this treaty but they couldn't so they gave up. They tried to have a 10-year limit rather than having this treaty be in effect in perpetuity, but they couldn't get it done. So in order to make a deal, they said: All right, we will agree to something less. If they knew and if their counterparts understood that the Senate at that point would say: No, we are not going to ratify such a treaty, they would more likely have stood firm and been able to hold their ground.

The same thing is true with respect to these monitors. Administration officials have tried to suggest that actually we will have a better chance of monitoring in the future than we do today, while many of the experts have debunked that. The fact that the treaty calls for monitoring sites around the world is irrelevant if the sites are not placed in the positions that are best for detection of nuclear weapon explosions. What this article is pointing out is that when the United States tried to interpose that requirement on Russia and China, the Russians and Chinese said no, and we backed down. So now we don't have monitoring stations in key locations in the world near the Chinese and Russian test sites that would enable the United States to understand whether or not they have violated the treaty by engaging in nuclear tests.

Let me quote further from the article, while it points out that Russia and China will have some seismic stations:

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I think the point of this article and the point of the testimony of several of the people who came before the committees was that the people who negotiated this treaty gave up too soon on too many important provisions, and because they wanted a treaty more than they were concerned about the specific provisions—such as verification and enforcement—they were willing to commit the United States to a series of obligations that will have a profound negative impact on our nuclear stockpile and yet do very little, if anything, to ensure that other nations in the world will not proliferate nuclear weapons.

The President has signed the treaty. That doesn't mean the United States needs to ratify it. We should exercise our independent judgment, our constitutional prerogative, to provide, as I said, before the quality control. If we do that, this President and future Presidents' hands will be strengthened when they go to the negotiating sessions to talk about such things as where to place the monitors. Maybe the Chinese and the Russians and others at that time will understand they are not going to bamboozle our negotiators. Because the Senate provides a backstop, we will say no. That is the way the Founding Fathers understood we could ensure that the United States did not take on inadequate or offensive international arms obligations or limitations.

I have mentioned all the safeguards but the last one. These safeguards add nothing to the status quo. In fact, I hope they will be more robustly pursued than this administration has pursued.

Last is the withdrawal under the supreme interest clause. Even this was something that the administration sought to avoid when it negotiated the treaty initially. The negotiators understood how very difficult—in fact, how almost impossible—it is to invoke the supreme interest clause. There are two reasons for that. They are very simple. First, if a country hasn't tested for a decade and all of a sudden this clause is invoked, that country is, in effect, telling all the rest of the world, whoops, we have a problem; please excuse us while we test.

That is not a good message to send to the rest of the world. As difficult as the political inability to invoke this clause, if we think it is hard now to reject this treaty—which most on this side believe should be rejected—if we think it is difficult now because world opinion will react badly to a negative vote by the Senate, what do Members think world opinion will be after the treaty has been in effect for a decade and all of a sudden the United States tries to withdraw from it because we need to test?

That is real pressure. It is a virtual impossibility. In fact, President John F. Kennedy said exactly that in speaking about the moratorium that he inherited from the Eisenhower administration. He said never again should we do that because it is not only difficult, it is impossible to go back to testing without political ramifications after having had a moratorium condition.

The supreme interest clause is certainly something that would be part of any administration's options; whether or not it is added to the treaty is irrelevant. The administration always has that option. It adds nothing.

The reason we were happy to accept the amendment offered by the Senator from Delaware is that it adds nothing to the treaty. We assume those provisions would be extant and therefore there is no reason to object to it. There is also no reason to celebrate because it adds nothing to what we already have.

As I said, unless we are a lot more serious about providing the funding that is called for under the amendment and doing the science that is required, we are going to find ourselves getting further and further behind, especially with respect to the Stockpile Stewardship Program.

I don't think we should say that the safeguard package has made the treaty any better than it was to begin with.

I ask unanimous consent to have printed in the RECORD a letter from John H. Nuckolls.

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

JOHN H. NUCKOLLS,
Livermore, CA, September 2, 1999.

Hon. JON KYL,
U.S. Senate, Hart Senate Office Building, Washington, DC.

DEAR SENATOR KYL: This letter responds to your April 1, 1999 request for my answers to five questions concerning the effects of a nuclear test ban on the reliability and safety of the nuclear stockpile. My views do not represent LLNL.

1. To maintain confidence in the safety and reliability of the U.S. nuclear stockpile in absence of nuclear testing, the United States intends to rely on the Stockpile Stewardship Program to accomplish the goals previously achieved through nuclear testing. Setting aside the controversial issue of sustained funding for the Program, how confident should we be that the Program will achieve its goals? In your answer, please address not only the level of certainty we should have regarding the Program's technical goals, but also the goal of attracting and training nuclear weapons experts who could fix problems that may develop in the existing stockpile or design and build new nuclear weapons.

In an extended duration test ban, confidence in the stockpile would be adversely affected by loss of all nuclear test trained

and validated expert personnel, major gaps in our scientific understanding of nuclear explosives, nuclear and chemical decay of warheads, accidents and inadequate funding of the Stockpile Stewardship Program (SSP).

All nuclear test trained/validated personnel would eventually be lost. Training of the replacement workforce would be seriously handicapped without nuclear testing, and expert judgment could not be fully validated. A serious degradation of U.S. capabilities to find and fix stockpile problems, and to design and build new nuclear weapons would be unavoidable.

There are major gaps in our scientific understanding of critically important processes essential to the operation of nuclear explosives. These gaps create a serious vulnerability to undetected problems. Uncertainties in performance margins increase this vulnerability. Consequently, there will be a growing uncertainty in long-term reliability.

It cannot be assured that the powerful computational and experimental capabilities of the Stockpile Stewardship Program will increase confidence in reliability. Improved understanding may reduce confidence in estimates of performance margins and reliability if fixes and validation are precluded by a CTBT.

Key components of nuclear warheads are ''aging'' by radioactive decay and chemical decomposition and corrosion. Periodic remanufacture is necessary, but may copy existing defects and introduce additional defects. Some of the remanufactured parts may differ significantly from the original parts—due to loss of nuclear test validated personnel who manufactured the original parts, the use of new material and fabrication processes, and inadequate specification of original parts. There are significant risks of reducing stockpile reliability when remanufactured parts are involved in warhead processes where there are major gaps in our scientific understanding.

In spite of extraordinary efforts to prevent accidents, sooner or later ''accidents will happen.'' Accidents (very probably those of foreign nuclear forces) are likely to generate requirements for incorporating modern damage limitation technologies in our nuclear warhead systems which lack these safety features. Without nuclear tests, confidence in reliability would be substantially reduced by the introduction of some safety technologies.

A post-CTBT or other funding reduction would increase the uncertainty in long-term stockpile reliability. Current and projected funding is inadequate. Substantial additional funding is needed for SSP experimental efforts including construction of an advanced hydro facility.

The uncertainty in long-term stockpile reliability may be reduced somewhat by increasing performance margins. Depending on national security requirements, operational measures may be feasible which compensate for uncertain stockpile reliability, e.g., limit arms control agreements so that large and diverse reserves of warheads and delivery systems can be maintained, use multiple independent forces on each target and maximize use of shoot-look-shoot.

2. Certification of U.S. nuclear weapons, once achieved through nuclear testing, is now accomplished through a process of review by experts. How crucial is the nuclear testing experience of those experts to their ability to perform the certification task? What level of risk would you associate with having a certification process in the future that utilizes only individuals who have had no nuclear testing experience?

Stockpile confidence would be reduced if certification were performed by experts lacking nuclear test experience. The level of risk would be high unless arms control agreements were restrained, and substantially reserve forces maintained so that the capabilities of our nuclear forces substantially exceeded national security requirements.

3. Current U.S. plans are to maintain ''the basic capability to resume nuclear test activities.'' In your view, is it technically possible to maintain the nuclear test site, together with the requisite skilled personnel, in a state whereby nuclear testing can readily be resumed if needed? How quickly do you believe that testing can be resumed?

In an extended duration nuclear test ban, the nuclear test site infrastructure is likely to decay and become obsolete. Nuclear test experienced personnel would be lost. A series of nuclear tests to diagnose complex reliability problems and certify a fix, or to develop new weapons could take several years.

4. In your experience, how vital has nuclear testing been to the discovery and resolution of problems with the U.S. stockpile?

Nuclear testing has been essential to the discovery and resolution of many problems in the stockpile.

5. Experts agree that nuclear testing can be conducted by other nations at low yields without its being detected. If other nuclear weapons states were to continue clandestine nuclear testing at low levels, do you believe that they could obtain significantly greater confidence in the reliability of their nuclear arsenals?

With a series of clandestine nuclear tests, Russia could increase confidence in the reliability of its nuclear stockpile. Advanced low-yield nuclear weapons could also be developed, e.g., tactical and BMD warheads.

China and other nations could improve their nuclear forces by clandestine tests of nuclear weapons, including tests of U.S. designs obtained through espionage? and Russian designs obtained through various means?

A ''CTBT'' with clandestine nuclear tests would incentivize and facilitate espionage. Achieving qualitative parity with a static U.S. stockpile would be a powerful incentive. Espionage is facilitated when U.S. progress is frozen, and classified information is being concentrated and organized in electronic systems.

These views are my own and do not represent LLNL.

Sincerely,

JOHN H. NUCKOLLS,
Director Emeritus, LLNL.

Mr. BIDEN. Mr. President, the Senator from Virginia would be next, but he has kindly yielded to the Senator from New Mexico.

My friend from Arizona keeps saying the ''acknowledged flawed treaty.'' It is not acknowledged to be flawed by 32 Nobel laureates in physics. It is not acknowledged to be flawed by four of the last five Chairmen of the Joint Chiefs of Staff. It is not acknowledged to be flawed by the weapons lab Directors, et cetera.

I want to make it clear, he states some believe it is flawed. The majority of the people who are in command and have been in command—the Secretaries of Defense who have been mentioned—if we balance it out, clearly think this is not a flawed treaty.

I yield on the Republican time to my friend from New Mexico.

Mr. DOMENICI. Mr. President, there can be no question that this debate and the vote which might occur are very significant and historic events for the United States. I very much want to be in favor of the treaty but I cannot favor the treaty because I believe essentially it jeopardizes U.S. security.

I wish every Senator had the opportunities I have had for the last 5½ years. I say that knowing full well my friend from Arizona, while he is not on the committee that funds the stockpile stewardship, is one of the rare exceptions in that he and a few other Senators have learned and worked very diligently to understand what we have been doing since we decided on behalf of the Senate in a Mark Hatfield amendment that we would not test nuclear weapons.

What has been the U.S. response to our scientific and nuclear community?

Essentially, what we have been busy doing can be encapsulated in the words ''science-based stockpile stewardship.'' One might say, since that pertains to the safety of the weapons system, what we used to do could be called nuclear testing stockpile stewardship. That occurred since the beginning of our nuclear weapons programs. The United States had a formidable, perhaps the world's best, system of underground testing.

Testing became very important to those laboratories—there are now three that are principally called nuclear deterrent or stockpile stewardship laboratories. I am privileged to have two of them in my State. When I come to the floor, go to meetings, and talk about the fact this is an important program and these laboratories are important, it hardly ever comes into focus like it is today, like it was in our conference at noon, and like it has been for the last week as Senator JON KYL and others have spoken to the fact that what the United States has been trying to do is develop a science-based system. This system means supercomputer simulation and other techniques and skills to see what is going on in a nuclear weapon without any testing to assure the parts that might be wearing out are discernible and can be replaced and that the weapon, indeed, is safe.

Frankly, if nothing else, I pray this debate will cause Senators and Representatives, in particular in the important committees of jurisdiction, to understand the importance of this program if the United States continues on a path of no testing, for whatever period of time—and who knows, we may do that in spite of this treaty not being ratified by the United States. I do not want to engage in a maybe-and-maybe-not discussion on that, but the United States is trying hard. Nonetheless, my principal concerns about this Treaty—and there are many—center around four reasons, and three of them have to do with science-based stockpile stewardship.

First, the science-based stockpile stewardship is new; it is nascent; it is just starting. It is not finished. It has not been completed. It is not perfected. As a matter of fact, to the Senators who are on the floor, probably some of

the most profound testimony regarding America's stockpile of nuclear weapons occurred in the Armed Services Committee last week when sitting at the witness table was the Secretary of Energy, surrounded by the three National Laboratory Directors.

It goes without saying that our country owes them a high degree of gratitude and thanks for what they do, for they oversee the safety of our weapons under this new approach which is very different for them, and that is, no testing; they must certify that everything is OK without testing. Scientists and physicists steeped in knowledge about nuclear weapons—one of them is a nuclear weapons expert of the highest order—testified, and I will quote in a while some of the difficulties they see with reference to their responsibility.

Secondly, I do not know what to do about it, but the difficulty, as they testified, in securing the funding they need without new mandates imposed upon them is very uncertain. The difficulty is real and it is uncertain as to whether they will continually over time get sufficient resources.

Third is, and I say this with a clear hope that the Secretary of Energy and the President will listen, the unknown impact of the failure on the part of this administration to proceed with reorganizing the Department of Energy on stewardship efforts. I do not want to belabor in this speech the efforts that many of us went to in streamlining accountability of the nuclear weapons programs within the Energy Department. We called it a semiautonomous agency—so that Department, which is in charge of the nuclear weapons, including the profound things we are talking about with respect to their safety, will not be bogged down by rules, regulations, personnel, and other things from a Department as diverse as the Department of Energy.

As a matter of fact, the more I think about it, the more I am convinced they should get on with doing what Congress told them to do instead of this waffling out of it by putting Secretary Richardson in charge of both the Energy Department and a new independent agency—which was supposed to be created so it would be semiautonomous, and he will head them both under an interpretation that cannot be legal—just indicates to me that they are not quite willing in this Department of Energy to face up to the serious problems of our nuclear stockpile and such things as science-based stockpile stewardship.

Lastly, and for many who talked on the floor, the most important issue is the ambiguities and threats to our international security at the present time. I will talk about that a bit because some Senators are asking: How can you be against the treaty and at the same time say we ought to put it off?

Let me repeat, my last concern is the ambiguities and threats to our international security at present.

I will proceed quickly with an elaboration.

When the United States declared a unilateral moratorium in 1992, the onus was on the scientists and National Laboratories to design and implement a program that would ensure the safety, reliability, and performance of our nuclear arsenal without testing. This is an onerous, complicated task that has yet to be fully implemented and validated, and I just stated that.

Science-based stockpile stewardship was designed to replace nuclear tests through increased understanding of the nuclear physics in conjunction with unprecedented simulation capabilities. This requires a lot of money. In fact, full implementation of the stewardship program is more expensive than reliance on nuclear tests, and I do not say this as an excuse for moving back to testing. The truth of the matter is it proves we are very willing to keep our stockpiles safe, reliable, and sound, even if it costs us more money, so long as we do not do underground testing on the other side of the ledger.

There is no question that in addition, the validity of this approach remains unproven, and key facilities, such as the National Ignition Facility, are behind schedule and over budget, and it is supposed to be one of the integral parts of being able to determine the stockpile confidence.

This program will attempt to preserve the viability of existing weapons indefinitely. We no longer possess the production capabilities to replace the weapons, and maybe Senator KYL has referred to that. We have already gotten rid of our production facilities. Currently, seven highly sophisticated warhead designs comprise our arsenal. Each weapon contains thousands of components, all of which are subject to decay and corrosion over time. Any small flaw in any individual component would render the weapons ineffective. In addition, because we intend to preserve, rather than replace, these weapons with new designs, aging effects on these weapons remains to be seen.

I quote Dr. Paul Robinson of Sandia National Laboratory in his testimony last week:

> Confidence in the reliability and safety of the nuclear weapons stockpile will eventually decline without nuclear testing. . . . Whether the risk that will arise from this decline in confidence will be acceptable or not is a policy issue that must be considered in light of the benefits expected to be realized [if you have a] test ban.

Are we ready today to accept a decline in confidence of our nuclear deterrent? Can we today accurately weigh the benefits on either side of the issue? I do not think so. On the other hand, we risk complete collapse of ongoing disarmament initiatives by prematurely rejecting this treaty. That is why I believe it is not inconsistent that I am not for it, but I would not like it to be voted on.

There are substantial risks with unknown consequences. Success of the Stockpile Stewardship Program requires recruiting the brightest young scientists. We have to begin to substitute for the older heads who know everything there is about it and contain all of the so-called corporate memory with reference to the science testing and the like.

My colleagues all know that I have fought very hard to get the money for the Stockpile Stewardship Program. We came perilously close this year to having this part of our budget cut by as much as $1 billion by the House. I think after weeks of saying we would not go to conference—it is not worth going to conference to fight—it was believed it would be better to stay at last year's level. They finally came to the point where we have a Stockpile Stewardship Program funded, but in an almost irreverent way.

Dr. Browne of Los Alamos said:

> I am confident that a fully supported and sustained program will enable us to continue to maintain America's nuclear deterrent without nuclear testing. However, I am concerned about several trends that are reducing my confidence level each year. These include annual shortfalls in planned budgets, increased numbers of findings in the stockpile that need resolution, an augmented workload beyond our original plans, and unfunded mandates that cut into the program.

It is pretty clear that it is not what they would like it to be.

He also said he was

> concerned about other significant disturbances this year in the stability of the support from the government, partially in response to concerns about espionage. This has sent a mixed message to the Laboratory that will make it more difficult to carry out

the stewardship program. According to this good doctor who heads Los Alamos, the task of recruiting and training the requisite talent is hindered by the current security climate at the laboratories.

I strongly believe that the establishment of a semi-independent agency for nuclear weapons activities will significantly enhance efforts to ensure the success of the Stockpile Stewardship Program. At the same time, this reorganization will require many months to accomplish. I ask my colleagues the following question: Should we make an international declaration regarding U.S. nuclear tests in the midst of a complete overhaul of the Department responsible for those weapons? I don't think so. Such an action would be premature.

Lastly, today we cannot clearly define the direction the world will take on nuclear issues. This concern speaks both for and against the treaty. Treaty proponents believe that U.S. ratification and the treaty's entry into force will curb proliferation. This treaty, if fully implemented, would enhance our ability to detect nuclear tests and create a deterrent to nations that may aspire to possess nuclear weapons capabilities.

However, others say, without question, this treaty is not a silver bullet. The administration has touted it as such. This treaty is only one measure of many that should comprise a solid nonproliferation agenda. For example,

this treaty would be acceptable if accompanied by substantive bilateral commitments with Russia and multilateral commitments among the declared nuclear powers. A framework for international disarmament, nonproliferation, and stability may very well include a Test Ban Treaty, but it should also be accompanied by binding commitments on future disarmament objectives, such as the Fissile Materials Cutoff Regime, and the Anti-Ballistic Missile Treaty.

We have only one treaty—one facet of a complex picture—before us today. It may contribute to achieving other disarmament objectives, but we are being asked to wager our nuclear deterrent on the hope that formal commitments from other nuclear powers and threshold states will be forthcoming. We sign on the dotted line that we will not utilize testing to maintain our stockpile, and we plead with the world to follow suit.

Or we reject the Treaty now and eliminate others' potential hesitation regarding future tests.

Only 23 of the 44 nations required for the Treaty's entry into force have ratified it. India, Pakistan, North Korea, Russia and China have not ratified it. Neither India nor Pakistan have even signed the treaty.

We should not rush to vote on this matter.

Regardless of the vote count, we risk either permanent damage to our nonproliferation objectives or the safety and reliability of the U.S. nuclear arsenal. Continuing our moratorium on nuclear testing and not acting on this Treaty is the best course of action for now.

We have time. Time to observe international changes and formulate a nuclear posture suitable for a new era. Time to evaluate the future of our bilateral relations with Russia and China. And time to first ensure the success of Stockpile Stewardship.

U.S. ratification would provide a positive signal and increase our leverage at the negotiating table in our pursuit of many non-proliferation objectives. If the Senate does not ratify this Treaty, which appears highly likely at the present, many of our current foreign policy initiatives will unravel.

Most importantly, a negative vote on the CTBT will further erode the Nuclear Non-Proliferation Treaty, NPT, itself. We secured indefinite extension of the NPT in 1995 by committing to lead negotiations, sign and ratify the Test Ban Treaty. There is an explicit link between our Article VI commitments to disarm and the CTBT.

Many other steps could be taken to demonstrate a good faith effort toward nuclear disarmament. The Test Ban Treaty is just one element of a comprehensive strategy to reduce nuclear dangers. The U.S. and Russia have already radically reduced stockpiles from their Cold War levels. Progress has been made in the negotiations for a fissile materials cutoff regime. Currently, all of the declared nuclear powers have a moratorium on testing, and two of those, Britain and France, have signed and ratified the Test Ban Treaty.

If the Senate votes against this Treaty, we will send the signal to the world that the U.S. has no intent to make good on its earlier commitments. START II will wither in the Duma; negotiations with Russia on START III and the Anti-Ballistic Missile Treaty will most likely falter. We would most likely witness a rash of nuclear tests in response. Killing this Treaty would inevitably also impact upcoming elections in Russia. To the Russians our actions in Kosovo underscored NATO's willingness to engage in out-of-area operations, even in violation of sovereignty. Anti-U.S. sentiments in Russia soared. Not only would a down vote on this Treaty play into the hands of the Communists and Nationalists, U.S. actions would essentially give Russia the go-ahead to begin testing a new generation of tactical nuclear weapons to secure its border against NATO.

We risk little by postponing consideration of this Treaty. We put our most vital security interests at stake by rushing to judgement on it.

In sum, defeat of this Treaty at this point will have a devastating impact on numerous current foreign policy initiatives that are clearly in the U.S. national interest. We can anticipate an unraveling of initiatives toward bilateral disarmament with Russia, and we will forfeit any remaining hope of preventing a nuclear arms race between India and Pakistan. We will open wide the door for China to proceed with tests to validate any nuclear designs based on the alleged stolen W–88 blueprints.

At the same time, Stockpile Stewardship is as yet unproven. We still do not fully understand the aging effects on our nuclear arsenal. Such aging effects relate both to the components which comprise the nuclear weapons and the scientific experts who initially designed and tested them. Also, as witnessed again this year, the budget for the full implementation of Stockpile Stewardship is anything but secure. In light of the current situation, ratification of this Treaty may put us at risk.

The timing of this debate is such that I have to weigh very carefully between the negative impact of this Treaty's possible defeat and the annual budgetary struggles for Stockpile Stewardship in combination with the scientific community's own doubts about the Stockpile Stewardship program.

We should maintain the moratorium on testing and postpone the vote on this matter.

It is irresponsible and dangerous to proceed now with the debate and vote on this Treaty. We have nothing to lose by maintaining our current status of a unilateral moratorium and having signed but not yet ratified the Test Ban Treaty. But we have everything to lose regardless of the outcome of this vote.

I thank the Senate for listening and the leadership for granting me this time. I yield the floor.

Mr. BIDEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. I yield 10 minutes to my friend from Virginia.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. ROBB. I thank the Chair and thank the distinguished Senator from Delaware.

Mr. President, on balance I personally believe the arguments for ratification of the CTBT are far more persuasive than the arguments against ratification. But I recognize the legitimacy of some of the arguments made against ratification. I recognize the credibility of some of those making those arguments. I respect the sincerity of colleagues who believe that ratification would be a mistake.

Having said that, I will not repeat all of the reasons that I would vote for ratification, if we are, indeed, forced to go ahead with the vote scheduled for later this afternoon. I would simply appeal to colleagues who oppose ratification not to let their feelings—their personal feelings—toward our Commander in Chief or their desires for a decisive political victory to weaken the role of the U.S. leadership in the international community or encourage additional testing by nations that might not otherwise do so, and thus make the world less secure and more dangerous.

On the politics, opponents of ratification at this time have already won. No one contends that 67 Senators are prepared to vote for ratification. No one is suggesting that this President or any future President is going to bring the treaty up for ratification again unless and until they have those 67 votes.

I happen to be one of the 10 Senators who engaged in an extended discussion of this treaty with the President and his national security team last Tuesday evening. Many others have been actively engaged in the debate from the very beginning. As I recall, there were six Republicans and four Democrats; and we were equally divided on the question of ratification.

I wish to commend all of the Senators involved in that process and throughout, but particularly those Republicans who stated during that meeting, very forcefully, why they oppose the treaty and why a ratification vote would fail but nonetheless were willing to help find a way to pull us back from the brink—for the good of the country and in the interest of a safer world.

In this instance, the President has acknowledged that if we go ahead with the vote, he will lose. But he is asking us not to defeat our own national interest as well by voting down this treaty.

The Senate, in pressing its case, however, for an up-or-down vote at this point, in my judgment, injures the

country's ability to lead and strikes a blow at American leadership around the world. Far more is at stake than defeating the policy and agenda of this particular President. Make no mistake, allies, friends, and enemies would view the defeat of the CTBT as a green light for more nuclear testing and further development of nuclear weapons, either strategic or tactical.

Defeat of the treaty will not be perceived as a signal of restraint. Just the opposite. Delay of consideration of the matter at least gives us the opportunity to address continuing concerns about monitoring and verification, as best we can, while delivering the message to other nations that we should proceed with yellow-light caution in regard to testing and development of their programs.

I have carefully reviewed the intelligence community's analysis of our CTBT monitoring capabilities—including the 1997 national intelligence estimate and the updating of that document—and admittedly, there are no absolutes when it comes to our ability to detect and identify some tests at low yields with high confidence. The more critical issue at hand, however, is the significance of possible evasion and the rationale that underlies such action and what it means for the inherent advantage we currently maintain with our nuclear arsenal.

I urge our colleagues to weigh very carefully the views of the intelligence community. The intelligence community believes we can effectively monitor the CTBT. We approved the Chemical Weapons Convention aware of the fact that denial and deception techniques would prevent us from confirming absolutely that production, development, and stockpiling were not going on. But as with the CTBT, we were able to approach the subject of monitoring with a high degree of confidence that signatories were not violating the CWC. As a result, implementation of that pact is contributing to our national security.

Senate hearings this past week suggest an emerging story at Novaya Zemlya but not outright violations of CTBT provisions. Transparency is lacking there, and perhaps a delay in consideration of the treaty will aid our efforts to sort out ongoing developments in this particular location. But defeating the CTBT on the concerns we have about this one site would represent a failure to understand what is in our broad national interest. Creating a normative global standard not to test will do enormous good and will act as a powerful force to stop would-be cheaters in their tracks.

It is reasonably clear to our intelligence community that Russia and perhaps others would not necessarily make gains in their thermonuclear weapons program through an evasive low-yield testing program without risking exposure of such tests to the international community. Given that reality, it simply begs the question: Under what substantive rationale would Russia or another country proceed in light of the outcry and condemnation that would surely follow?

I believe this matter is ripe for an agreement we can negotiate among ourselves in the Senate, through unanimous consent, that delays CTBT consideration until the next Congress. I am prepared to support CTBT regardless of the political affiliation of the Commander in Chief. But due to the untenable circumstances in which we now find ourselves, we should honor the request of this Commander in Chief and delay a vote.

With that, Mr. President, I yield the floor.

Mr. HUTCHINSON addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. HUTCHINSON. Mr. President, I yield myself 15 minutes to speak in opposition to the Comprehensive Test Ban Treaty.

I also sat through a week of hearings last week. I also, as a member of the Armed Services Committee, had the opportunity to hear our intelligence community, to hear representatives from the Department of Defense, and to hear the Directors of our laboratories. I respectfully reached a different conclusion as to what the evidence is. In fact, in my estimation, the evidence is strong enough to raise serious doubts about the wisdom of ratifying this treaty. The evidence, I believe, indicates that in fact Russia is currently testing low-level nuclear weapons and is seeking to develop, from their own public statements and the Russian media, a new type of tactical weapon, and there were suspected Russian tests as recently as September 8, 1999, and September 23, 1999.

I believe when we have these kinds of issues of the gravest weight to our Nation and to our Nation's security, when there are doubts about verification—and I think it is overwhelmingly clear from what I heard from the intelligence community—we cannot have assurance that we will be able to verify a zero-yield treaty. That was very plain and very clear from the testimony we heard. Verification is not possible. Therefore, it is not in the best interests of our Nation to ratify this treaty.

There are numerous reasons to oppose the treaty. We have heard many of them during the debate on the floor of the Senate. Many have been discussed very clearly. I will focus on one particular feature of this agreement which, in my view, is sufficient in and of itself to reject ratification of this treaty. That is the issue of the treaty's duration.

This is an agreement of unlimited duration. It is an agreement that is in perpetuity. That means if it is ratified, the United States will be committing itself forever not to conduct another nuclear test. It would make us dependent upon, totally reliant upon, the Stockpile Stewardship Program. From what we heard from the Directors of the labs last week, the Stockpile Stewardship Program is, by all accounts, a work in progress. Some said it would take 5 years to reach the point where we could have confidence in the program; some said 10. One said it would be as long as 15 to 20 years before we could know whether or not this program was going to be of a sufficient confidence level that we could count upon it without reliance upon tests.

There are two major questions about this program. One is, Will it work? We are not going to know that for many years. Will it work sufficiently that we can rely upon high-speed computers and modeling and annual examinations without any kind of test to have the confidence that they are reliant and safe and that, should they tragically ever need to be used, we could count on them actually working?

The second very big issue is whether it will be funded adequately so the program can be developed to that level of confidence. We have every indication that this will be an area in which Congress in the future will seek to cut, an area in which there will not be the kind of commitment, the kind of resources to ensure the development of this Stockpile Stewardship Program to a point we can have absolute confidence in it.

I want Members to think about the duration of this treaty—forever. Are we so confident today that we will never again need nuclear testing, so certain that we are willing to deprive all future Commanders in Chief, all future military leaders, all future Congresses of the one means that can actually prove the safety and reliability of our nuclear deterrent? Are we that confident? I suggest we are not.

Proponents of the treaty will say that that is not the case, that this commitment is not forever. They will point to the fact that the treaty allows for withdrawal if our national interest requires it. Proponents of the treaty promise that if we reach a point where the safety and reliability of our nuclear deterrent cannot be guaranteed without testing, then all we need to do is exercise our right to withdraw and we would, at that point, resume testing.

This so-called ''supreme national interest'' clause, along with safeguard F, in which President Clinton gives us his solemn word that he will ''consider'' a resumption of testing if our deterrent cannot be certified, is supposed to give us a sense of reassurance.

The fact is, this reassurance is a hollow promise. I think supporters of the treaty realize it. The fact is, if the critical moment arrives and there is irrefutable evidence that we must conduct nuclear testing to ensure our deterrent is safe, reliable, and credible, those same treaty supporters will be shouting from the highest mountain that the very act of withdrawing from this treaty would be too provocative to ever be

justified, that no narrow security need of the United States could ever override the solemn commitment we made to the world in agreeing to be bound by this treaty.

If Members don't believe that will happen, they need only to look at our current difficulties with the 1972 ABM Treaty. I believe it provides a chilling glimpse of our nuclear future should we ratify an ill-conceived test ban at this time. As is the Comprehensive Test Ban Treaty, the ABM Treaty is of unlimited duration. There are many parallels. That is one of them. The ABM Treaty includes a provision allowing the United States to withdraw if our national interests so demand, another very clear parallel and treaty obligations are more clearly mismatched than with the ABM Treaty today. It is very difficult to imagine a situation in which the national security interests we have could be more clearly mismatched than with the ABM Treaty. Its supporters insist, though, that withdrawal is not just ill advised, but supporters would say it is unthinkable. The voices wailing loudest about changing this obsolete agreement are the same ones urging us today to entangle ourselves in another treaty of unlimited duration.

Earlier, Senator KYL rightly pointed out that the negotiators for this treaty originally wanted a 10-year treaty. Previous Presidents wanted a treaty of limited duration, but we have before us one that would lock us into a commitment in perpetuity.

Think of the ways in which the ABM Treaty is mismatched with our modern security needs. Yet we confront our absolute unwillingness to consider any option to withdraw. The treaty was conceived in a strategic context utterly unlike today's, a bipolar world in which two superpowers were engaged in both a global rivalry and an accompanying buildup in strategic nuclear forces. Now, today, is a totally different context and situation. One of those superpowers no longer exists at all. What remains of that superpower struggles to secure its own borders against poorly armed militants.

The arms race that supposedly justified the ABM Treaty's perverse deification of vulnerability has not just halted, it has reversed, no thanks to arms control. Today, Russian nuclear forces are plummeting due not to the START II agreement—which Russia has refused to ratify for nearly 7 years—but to economic constraints and the end of the cold war. In fact, their forces are falling far faster than treaties can keep up with; arms control isn't ''controlling'' anything; economic and strategic considerations are. Similar forces have led the United States to conclude that its forces can also be reduced. Thus, despite a strategic environment completely different from the one that gave birth to the ABM Treaty, its supporters stubbornly insist we must remain a party to it.

In 1972, only the Soviet Union had the capability to target the United States with long-range ballistic missiles. Today, numerous rogue states are diligently working to acquire long-range missiles with which to coerce the United States or deter it from acting in its interests, and these weapons are so attractive precisely because we have no defense against them; indeed, we are legally prohibited from defending against them by the ABM Treaty of 1972.

Technologically, too, the ABM Treaty is obsolete. The kinetic kill vehicle that destroyed an ICBM high over the Pacific Ocean on October 2 was undreamed of in 1972. So was the idea of a 747 equipped with a missile-killing laser, which is under construction now in Washington State, or space-based tracking satellites like SBIRS-Low, so precise that they may make traditional ground-based radars superfluous in missile defense. Yet this ABM Treaty, negotiated almost three decades ago, stands in the way of many of these technological innovations that could provide the United States with the protection it needs against the world's new threats.

Now proponents of this new treaty will say we can always pull out, that if situations and circumstances change, we can always invoke our national security provision and we can withdraw from this treaty. If in the future we find we must test in order to ensure the stability and reliability and safety of our nuclear deterrent, we can pull out and do that. I suggest that that is not even a remote possibility. Once we make this commitment, just as we did on the 1972 ABM Treaty, there will be no withdrawing, there will not even be consideration of the possibility that it might be in our national interest to withdraw from a treaty to which we have made a commitment.

These new threats today have led to a consensus that the United States must deploy a national missile defense system and a recognition that we are behind the curve in deploying one. The National Missile Defense Act, calling for deployment of such a system as soon as technologically feasible, passed this body by a vote of 97–3, with a similar ratio of support in the House.

Just as obvious as the need for this capability is the fact that the ABM Treaty prohibits us from deploying the very system we voted to deploy. But does anybody talk about withdrawing from the ABM Treaty because it is in our national security interests? Absolutely not. I suggest we will be in the same kind of context should we ratify the treaty that is before us today.

Clearly, the ABM Treaty must be amended or jettisoned. The Russians have so far refused to consider amending it, so withdrawal is the most obvious course of action if United States security interests are to be served.

Listen to the hue and cry at even the mention of such an option today. From Russia to China to France, and even to here on the floor of the Senate, we have heard the cry that the United States cannot withdraw from the ABM Treaty because it has become too important to the world community. Those who see arms control as an end in itself oppose even the consideration of withdrawal, claiming passionately that the United States owes it to the world to remain vulnerable to missile attack. Our participation in this treaty transcends narrow U.S. security interests, they claim; we have a higher obligation to the international community, they claim. After all, if the United States is protected from attack, won't that just encourage others to build more missiles in order to retain the ability to coerce us, thus threatening the simplistic ideal of ''strategic stability''? That phrase, translated, means that citizens of the United States must be vulnerable to incineration or attack by biological weapons so other nations in the world may do as they please.

Even though the ABM Treaty is hopelessly outdated—almost 30 years old—and prevents the United States from defending its citizens against the new threats of the 21st century, supporters of arms control insist that withdrawal is unthinkable. Its very existence is too important to be overridden by the mere security interests of the United States.

Absurd as such a proposition sounds, it is the current policy of this administration, and it is supported by the very same voices who now urge us to ratify this comprehensive test ban.

The Clinton administration has been reluctantly forced by the Congress into taking serious action on missile defenses—thankfully. It admits that the system it needs to meet our security requirements cannot be deployed under the ABM Treaty. Yet so powerful are the voices calling on the United States to subjugate its own security interests to arms control that the administration is proposing changes to the ABM Treaty that, by its own admission, will not allow a missile defense system that will meet our requirements. It has declared what must be done as ''too hard to do'' and intends to leave the mess it created for another administration to clean up. All because arms control becomes an end in itself.

That sorry state of affairs is where we will end up if the Senate consents to ratification of the CTBT. Those treaty supporters who are saying now, ''Don't worry, there is an escape clause,'' will be the same ones who, 5 or 10 years from now—when there is a problem with our stockpile and the National Ignition Facility is not finished and we find out we overestimated our ability to simulate the workings of a nuclear weapon—will be saying we dare not withdraw from this treaty because we owe a higher debt to the international community. That is what we will hear.

I don't represent the international community; I represent the people of the State of Arkansas. Our decision here must serve the best interests of

the United States and its citizens. Our experience with the ABM Treaty is a perfect example of how arms control agreements assume an importance far beyond their contribution to the security of our Nation. The Comprehensive Test Ban Treaty's unlimited duration is a virtual guarantee that this agreement will prevent us from conducting nuclear testing long past the point at which we decide such testing is necessary. As our ABM experience shows, we should take no comfort from the presence of a so-called ''supreme national interest'' clause.

Now, should we just put it off or should we vote on it? I believe our responsibility is not the world opinion. Our responsibility is, frankly, not the public opinion polls of the United States. The American people, as a whole, have not had the benefit of hearing the Directors of our National Labs or the DOD come and testify before us as to the difficulties of verification and the difficulties of developing our Stockpile Stewardship Program. If it is a flawed treaty—and I believe it is—if it is a defective treaty—and I believe it is—if it is not in our national security interest—and I believe it is not—then we should vote, and we should vote to defeat the treaty and not ratify it.

This is a treaty that I believe will not get better with age. It will not get better by putting it on a shelf for consideration at some future date. I believe it is flawed. I believe it is defective. I believe it is not in our national security interest. I believe it is our constitutional responsibility not to put it off but to vote our conscience.

I urge the defeat of what I believe is a flawed treaty.

I yield the floor.

The PRESIDING OFFICER (Mr. BROWNBACK). The Senator from Delaware.

Mr. BIDEN. Mr. President, I yield myself 2 minutes, and then I would be happy to yield to the Senator.

I want my colleagues to note—they may not be aware of it, and I wasn't until a few minutes ago—as further consideration of how this may or may not affect the events around the world there apparently has been a coup in Pakistan where the Sharif government fired their chief military chief of staff when he was out of the country. He came back and decided he didn't like that. He surrounded the palace and surrounded the Prime Minister's quarters. The word I received a few moments ago—I suggest others check their own sources—was that there is going to be a civilian government installed that is not Sharif, and that the military will do the installing. I cite that to indicate to you how fluid world events are. We should be careful about what we are doing.

I also point out that today before the Foreign Relations Committee, Dr. William Perry, the President's Korean policy coordinator and former Secretary of Defense, testified that failure to ratify the CTBT will give North Korea ''an obvious reason not to ratify the CTBT.''

Dr. Perry, the Secretary of Defense in President Clinton's first term, endorsed ratification of the treaty. He said it serves well the security interests of the United States.

I cite that only because it is current.

Lastly, I would say that listening with great interest to the last several speakers I find it again fascinating that this is a lot more than about CTBT. It is about ABM. It is about what our nuclear strategy should be.

My friend from Arkansas, as well as others who have spoken, has great faith in our ability to erect a nuclear shield that can keep out incoming nuclear weapons in the scores, dozens, or potentially hundreds, which is a monumental feat, if it can be accomplished—we may be able to accomplish it—but don't have the confidence that those same scientists could figure out a way to take a weapon off the nose of a missile, look and determine whether or not it has deteriorated. I would suggest one is considerably more difficult to do than the other. But it is a little bit about where you place your faith.

Lastly, I, point out for those who are talking about verification—my friend from Arizona heard me say this time and again, and I would suggest you all go back and look at, if you were here, how you voted on the INF Treaty, the Reagan INF Treaty, or if you weren't here, what President Reagan said because many of my friends on the Republican side quote Ronald Reagan when he says ''trust but verify.'' Nobody can verify the INF Treaty. The intelligence community—and I will not read again all of the detail; it is in the Record—indicated we could not verify the INF Treaty, and we said and the Reagan administration said and President Reagan said in his pushing the INF Treaty that no verification was possible completely. Yet with the fact that we didn't even know how many SS–20s they had, it was concluded that they could adapt those to longer range, interchange them with shorter-range missiles and longer-range missiles, and hide them in silos. But my Republican colleagues had no trouble ratifying that treaty, which was not verifiable, or was considerably less verifiable than this treaty.

If you quote President Reagan, please quote him in the context that he used the phrase ''trust but verify.'' And he defined what he meant by ''verify'' by his actions.

The military under President Reagan said the INF Treaty was verifiable to the extent that they could not do anything that would materially alter the military balance. No one argues that we cannot verify to the extent as well. But it seems as though we apply one standard to Republican-sponsored treaties by Republican Presidents and a different standard to a treaty proposed by a Democratic President. I find that, as you might guess, fascinating. I will remind people of it now and again and again and again. But I yield the floor.

The PRESIDING OFFICER. Who seeks recognition?

The Senator from Arizona.

Mr. KYL. Mr. President, I think my colleague from New Hampshire wishes to speak. Let me take a minute before he does to respond to two things that the Senator from Delaware said.

I find it interesting that North Korea would be used as the example of a country that will pursue nuclear weapons if we don't ratify the test ban treaty, according to Secretary Perry.

Mr. BIDEN. That is not what he said, if I may interrupt, if I could quote what he said.

Mr. KYL. Please do.

Mr. BIDEN. He said it will give North Korea ''an obvious reason not to ratify CTBT.'' He did not say it will give them reason to produce nuclear weapons.

Mr. KYL. I think that is a very important distinction. I thank my colleague for making it because, clearly, North Korea is not going to be persuaded to eschew nuclear weapons by the United States ratifying the CTBT. North Korea will do whatever it wants to do regardless of what we do. That is pretty clear. To suggest that we need to ratify this treaty in order to satisfy North Korea is absurd.

North Korea is a member of the nonproliferation treaty right now. By definition, North Korea is in violation of that treaty if it ever decides to test a nuclear weapon because it would be affirming the fact that it possesses a nuclear weapon which is in violation of the NPT. North Korea is not a country the behavior of which we can affect one way or the other by virtue of a moratorium on testing. If that were the case, then North Korea would have long ago decided to forego the development of nuclear weapons because the United States hasn't tested for 8 years. Clearly, our actions have had no influence on North Korea, except to cause North Korea to blackmail the United States by threatening to develop nuclear weapons and by threatening to develop missiles unless we will pay them tribute. I don't think North Korea is a very good example to be citing as a reason for the United States to affirm the CTBT.

Moreover, I remember this argument a couple of years ago when the chemical weapons treaty was being brought before the body. They said this was the only way to get North Korea to sign up to the CWC, and we certainly wanted North Korea to be a signatory to that treaty because they might use chemical weapons someday. We ratified it. They still haven't signed up—2 years later. I don't think North Korea is going to care one way or the other whether the United States ratifies the CTBT.

To my friend's other point on the comparison between nuclear weapons and missile defense, I think it makes our point. Missile defenses can work.

They are not easy to develop. We have seen several tests that failed with the THAAD system. What it demonstrated to us was that testing is required to know that missile defense will work, just as the experts have all indicated testing is the preferred method of knowing whether our nuclear weapons will work.

So I think it makes the point that either for missile defense or for nuclear weapons testing it is the best way to know whether it will work. That is why we need to test both the missile defense systems that we have in development right now, and that is why we need the option of being able to test our nuclear weapons as well.

Mr. BIDEN. I wish to respond, if I may. I yield myself such time as I may consume.

Mr. KYL. We may put off the Senator from New Hampshire for a good time.

Mr. BIDEN. I hope not.

My friend from Arizona, as I said, is one of the most skillful debaters and lawyers in here. He never says anything that is not true. But sometimes he says things that do not matter much to the argument.

For example, he said nuclear testing is the preferred method. It sure is. Flying home is a preferred method to get there. But I can get there just as easily and surely by taking the train. It is preferred to fly home. I get home faster when I fly home. But the train gets me home. In fact, I can drive home. All three methods can verify for my wife that I have come from Washington to my front door. They are all verifiable. They all get the job done. It is the preferred method.

By the way, it is the preferred method to have underground testing. It is the preferred method to have aboveground testing. That is the preferred method to make sure everything is working.

If I took the logic of his argument to its logical extension, I would say, well, you know, my friend from Arizona wanting underground testing is, in fact, denying the scientists their total capacity to understand exactly what has happened by denying atmospheric testing. The preferred method is atmospheric testing. What difference does it make if we can guarantee the reliability of the weapon?

The question with regard to North Korea I pose this way: If we ratify the treaty, and my friend from Arizona is correct that North Korea does not, so what. There is no treaty. It does not go into force. They have to ratify the treaty for it to go into force. What is the problem? If a country is certain it will not matter, they are not going to ratify or abide. Then (a) they don't ratify, we are not in, we are not bound; (b) if they are in and they do a nuclear explosion underground, we are out, according to the last paragraph of our amendment. The President has to get out of the treaty. Must—not may, must. These are what we used to call in law school red herrings. They are effective but red herrings.

The last point, I heard people stand up on the floor and say: This country is already or is about to violate the NPT, the Nuclear Non-Proliferation Treaty, by exploding a nuclear weapon. Guess what. They are allowed, under the NPT, to blow up things: nuclear bombs, nuclear weapons, nuclear explosions. They don't call them ''weapons''; they say it is a nuclear explosion, as long as it is for peaceful means. How does one determine whether or not an underground test which has plutonium imploded and has set off a chain reaction was for peaceful, as opposed to nonpeaceful, means? That is a nuclear test.

We ought to get our facts straight. The distinctions make a difference. It is true; it is hard to verify whether or not anybody violated the NPT because if they are caught, that country says it was for peaceful reasons, dealing with peaceful uses of their nuclear capability.

I have heard a lot of non sequiturs today. My only point in raising North Korea was the idea that anybody who thinks we are going to be in a position that if we turn this treaty down there is any possibility we will stop testing anywhere in the world is kidding themselves.

I say to my colleagues, ask yourself the rhetorical question. Do you want to be voting down a treaty on the day there is a coup in Pakistan. Good luck, folks. I am not suggesting that a vote one way or another is dispositive of what Pakistan would or wouldn't do. But I will respectfully suggest we will be answering the rest of the year, the rest of the decade, whether or not what we did at that critical moment and what is going on between India and Pakistan and within Pakistan was affected by our actions.

I conclude by saying, in the middle of the Carter administration there was a little debate about this notion of a neutron bomb. The American Government put pressure on Helmut Schmidt, Chancellor of Germany at the time, to agree to deployment of the neutron bomb in Europe—a difficult position for him to take as a member of the SPD. He made the decision, and then President Carter decided not to deploy the neutron bomb. I remember how upset the Chancellor of Germany was. The Chancellor of Germany was not inclined to speak to the President of the United States.

I was like that little kid in the commercial with the cereal sitting on the table. There are two 10-year-olds and a 6-year-old. The 10-year-old asks: Who eats that? Mom and dad. Is it any good? You try it. The other kid says: No, you try it. They both turn to the 6-year-old and say: Mikey will try it.

I was ''Mikey.'' I got sent to Germany to meet with Schmidt, to sit down at the little conference table in the Chancellor's office to discuss our relationship. I will never forget something Chancellor Schmidt said—and I will not violate any security issue; it is probably long past a need to be secure—in frustration, while he was smoking his 19th cigarette similar to Golda Meir, a chain-smoker, he pounded his hand on the table and said: You don't understand, Joe; when the United States sneezes, Europe catches a cold. When the United States sneezes, Europe catches a cold.

When we act on gigantic big-ticket items such as a treaty affecting the whole world and nuclear weapons, whether we intend it or not, the world reacts. This is not a very prudent time to be voting on this treaty, I respectfully suggest.

I yield the floor.

Mr. KYL. Mr. President, I ask my colleague from New Hampshire to delay his remarks for a moment so I can make a point and perhaps ask Senator BIDEN, if he could answer a question regarding something he has said.

I think it is, first of all, dangerous to suggest that the Senate cannot do its business with respect to a treaty because a coup is occurring in another country. I fail to see, if the coup is occurring today and tomorrow, and we reject the CTBT, how anyone could argue our action precipitated this coup. Or somehow by failing to approve this treaty we caused unrest in Pakistan.

I ask the Senator to answer that question on his own time. First, I make another point. I wasn't trying to make a debater's point but trying to be absolutely conservative in what I said a moment ago.

Mr. BIDEN. I never thought the Senator was liberal in what he said.

Mr. KYL. And I appreciate that more than you know.

When I say that testing was the preferred method, what the lab Directors and former officials who have had responsibility for this have said with these highly complex weapons is that testing is the preferred method.

They have also said in contradiction to the Senator from Delaware that there is no certainty with respect to the other method, which is the Stockpile Stewardship Program, which is not complete and has not gone into effect and cannot provide certainty, in any event.

Dr. John Foster, who chairs the congressional committee to assess the efficacy of the Stockpile Stewardship Program, said this in his testimony last week:

> I oppose ratification of the CTBT because without the ability to perform nuclear weapons tests the reliability and safety of our Stockpile Stewardship Program will degrade.

There is nobody who is more respected in this field than Dr. John Foster.

He further said the testing, which has been performed over the years, ''has clearly shown our ability to calculate and simulate their operation is incomplete. Our understanding of their basic physics is seriously deficient. Hence, I can only answer that a ban on testing of our nuclear weapons can only have a negative impact on the reliability of the stockpile.''

Dr. Robert Barker, former assistant to the Secretary of Defense for Atomic Energy, who reported the certification of the stockpile to three Secretaries of Defense, said:

Sustained nuclear testing is the only demonstrated way of maintaining a safe and reliable deterrent. Our confidence in the safety and reliability of nuclear weapons has already declined since 1992, the year we deprived ourselves of the nuclear testing tool. It should be of grave concern to us that this degradation in confidence cannot be quantified.

The point is that the reason testing is preferred is because it is the only demonstrable way of assuring ourselves of the safety and reliability of our nuclear stockpile. There could be, may be, in a decade or so, some additional confidence or assurance through a successful Stockpile Stewardship Program but we won't know that until the time. Until then, that is why testing is the preferred method. It is the only way to assure the safety and reliability of our stockpile.

To respond to that and to respond to the first question I asked, I am happy to yield to the Senator.

Mr. BIDEN. I will try to respond briefly.

No. 1, to suggest our actions would affect the international community should not be taken in the context and consideration of what is happening in the international community is naive in the extreme. It is not suggesting anyone should dictate what we should or should not do. It is suggesting that it makes sense to take into consideration what is happening around the world and what appropriate or inappropriate conclusion from our action will be drawn by other countries. We have always done that in our undertakings around the world. It is just responsible stewardship of our national security.

The suggestion was not that because there is a coup, failure to ratify this treaty, turning it down or ratifying it would have affected that coup. That is not the issue. The issue is there is a struggle today within Pakistan, evidenced by the coup, as there was within India, as evidenced by their recent elections, about what they should do with their nuclear capacity, whether they should test further, enhance it, and deploy it, or whether or not they should refrain from testing and sign the treaty.

The only point I am making is that our actions will impact upon that debate within those countries. The debate happens to be taking place in the context of a military coup right now in Pakistan. It took place in the context of an election where the BJP won and made significant gains in India just last week, but it does impact upon that.

We lose any leverage we have to impose upon Pakistan, which still wants to deal with us, still relies upon us or interfaces with us in a number of areas in terms of food, trade, and aid all the way through to military relationships. It does make a difference if we are able to say to them, I posit: We want you to refrain from testing and sign on to this treaty if, in fact, we have done it. If we say: We want you to refrain from testing and sign on to the treaty, but by the way, we already have 6,000 of these little things and we are going to test ourselves, it makes it very difficult to make that case.

Lastly, I say with regard to Pakistan, it is not so much what anyone will be able to prove; it will be what will be asserted. We all know in politics what is asserted is sometimes more important than what is provable. It should not be, but it is. It does have ramifications domestically and internationally, I suggest.

Also, with regard to this issue of the preferred versus the only method by which we can guarantee the reliability of our stockpile, nobody, including the present lab Directors, suggests that our present stockpile is, in fact, unreliable or not safe.

We have not tested since 1992. The issue is, and my colleague knows this, the intersection—and it is clear if we do not test, if we do nothing to the stockpile, it will over time degrade, just like my friend and I as we approach our older years, as a matter of medical fact, our memories fade. It is a medical fact.

To suggest that because our memories fade we should not listen to someone on the floor who is 8 years older than someone else would be viewed by everyone as mildly preposterous because when that older person was younger, their memory may have been so far superior to the person who is younger now that they still have a better memory. It does not make a point. It is a distinction without a difference.

It is the same way with regard to our stockpile degrading. At what point does the degradation occur that it is no longer reliable? I asked that of Secretary Schlesinger. He said he thinks we are down from 99 percent to about 85 percent now, and he thinks there is no worry at that 85-percent level. But what he worries about, and then he held up a little graph and the graph showed based on years and amount of reliability this curve going down like this, at the same time there was a dotted line showing the Stockpile Stewardship Program and how that mirrored that ability to intersect with where we would intersect our confidence that our Stockpile Stewardship Program would be able to assure that the stockpile was reliable.

It comes around where the shelf life of these weapons occur about 10 years out. Everyone has said that between now and then, the overwhelming body of opinion is, from the Jason Group to other leading scientists, including these 32 Nobel laureates in physics, the Stockpile Stewardship Program is working now and will if we make the commitment to intersect at a point where the shelf life begins to change where it continues to guarantee.

We are never going to be in that line where it is so degraded that any lab Director will have to say: Mr. President, I cannot certify anymore.

But as a fail safe, no pun intended, for that possibility—that is why the amendment was just adopted—the amendment says in the last paragraph, if that happens and a lab Director tells the President that has happened and it cannot certify in terms of reliability, the President must get out of the treaty.

It is true; we are stringing together a lot of true statements that are not particularly relevant to the question, and the question is: Is our stockpile now reliable and safe? Is it a deterrent still? Do other people believe it? Is it a deterrent so that our allies believe it and they do not go nuclear, such as Japan and Germany? And is it a deterrent so that our potential enemies, such as China and Russia and others, believe it so they will not try to do anything that will jeopardize our security? That is the second question.

The third question is: Are we able to verify this?

My answer to all three of those questions is, yes, yes, yes. And the answer of the overwhelming body of opinion is yes, yes, yes. But just in case it is no, the President has to get out. He has to get out. We just adopted a condition, so he has to get out.

By the way, I listened to people being quoted, like Edward Teller. God love him. I had the great honor of debating him around the country on four setup debates. It was intimidating because he would stand there with those bushy eyelashes and say: My young friend from Delaware does not know—here is the guy who invented the hydrogen bomb. What am I going to say? Yeah, right?

I would listen to him, and he would even get me thinking he was right for a while. Then I would listen to what he said. Last night, I watched a documentary that is 7 or 8—actually, it is older than that; it was President Reagan's last year—on the Star Wars notion. Dr. Teller was sitting there, a very distinguished man, saying things like—and I will get the exact quote for the RECORD tomorrow—but he said things like: We must act now because the Russians are on the verge of having a missile defense capability.

On the verge; they were on the verge of collapsing. He is never right about his predictions, so far. But he did invent the hydrogen bomb. That is a big deal. I cannot argue with that. As my mother would say, just because you can do one thing well does not mean you can do everything well. If I need to blow somebody up, I want him with me. If I need somebody to predict to me what is going to happen in terms of our interest, of our adversaries, or us, he ''ain't'' the guy I am going to because he has not been right.

Here we are, we are going to do this weight of authority—we all learned, and, again, I am not kidding when I say this. Senator KYL is not only a first-rate lawyer, he has a first-rate mind.

We both went to undergraduate school and took courses in logic. We learned about the 13 logical falacies. We engage in them all the time. One is the appeal of authority. I will take my authority and trump your authority. I have 32 Nobel laureates. Are you going to raise me with six Secretaries of Defense? I have four of the last five Chairmen of the Joint Chiefs of Staff, with what are you going to raise me? This is crazy.

What is true is that it is better to test if you want to know for certain whether weapons are reliable. I hope if I acknowledge that, he will acknowledge it is better not to test on one area: If you want to discourage others from testing. Just discourage. He does not have to agree that it would do everything, just discourage. It is better not to test.

If you tell your kid he cannot smoke and you are standing there smoking and saying: By the way, you can't smoke, it kind of undermines your credibility.

On the other hand, if you do not smoke—like I don't—and say to your kid, you can't smoke, they may smoke anyway; but one thing is for certain: If you are smoking—as my friend who is presiding would say in a different context—you might lose your moral authority to make the case.

I think we lose our moral authority to make the case internationally when we say: By the way, we are unquestionably the most powerful nuclear nation in the history of the world, and in relative terms we are far in excess of anyone else, including the former Soviets—now the Russians—that the Chinese are not, as they say where I come from, a ''patch on our trousers,'' that the Libyans and others may be able to get themselves a Hiroshima bomb, but they are going to have to carry it in a suitcase—it ''ain't'' close.

But I tell you what: Because we worry about our reliability—even though we are going to spend $45 billion, even though we have the best scientists in the world, the best scientists that we can attract from other parts of the world—we know we can put up a shield around America that can stop 10, 20, 100, 1,000 hydrogen bombs from dropping on the United States—but we believe that we have to test our nuclear weapons now or be able to test them in the near term in order to be able to assure that we are safe and secure and that you believe we are credible.

I will end where I began this debate a long time ago. When the Senator from New Hampshire and I were college kids, you used to ride along—he was heading off to Vietnam—and there used to be a bumper sticker which said: One hydrogen bomb can ruin your day. It just takes one. One hydrogen bomb can ruin your day.

We are not talking about one hydrogen bomb. No one is doubting that 1,000 people and 15 nations in the world can develop not a hydrogen bomb but a nuclear bomb like the one dropped on Hiroshima and Nagasaki. No doubt about that. This is not going to stop that. This isn't going to guarantee that because you do not, everyone has to test that. They can do that without testing. We dropped it without testing it. The second one we did not test. So they can test; they cannot test.

But, folks, this is high-stakes poker. All I am saying to you is, you take the worst case scenario my friends lay out, that we have the stockpile, but we cannot guarantee it, and we cannot detect testing, and we have an escape clause—you get out of it because the treaty is not working. That is their worst case scenario. The escape clause is we have to get out because it says we must get out.

Let me tell you my worst case scenario. My worst case scenario is we, in fact, do not sign this treaty, and the Chinese decide all moral restraints are off—even though they are not particularly a moral country—we can now, with impunity, go and test and not be buffeted by world opinion in terms of affecting our trade or our commerce and the rest. We can go from 16, 18, 20—however many intercontinental ballistic missiles they have—we can now test to build lighter, smaller ones with that information we stole from the laboratories. We can now MIRV our missiles.

The Pakistanis and the Indians agree that: Look, what we have to do is now deploy nuclear weapons because the restraints are off.

I do not know what we do with that worst case scenario. There is nothing the President can say, such as: By the way, stop. Out. I want to pull out. You all can't do that. China, you can't do that. There is no way out of that one.

This is not like us making the mistake on a tax bill. This is not like us making a mistake on a piece of welfare or social legislation. We can correct that in a day. I have been here when we passed reforms on health care that within 6 months we repealed because we thought it was a mistake.

You cannot legislate on this floor of the Senate a course of action that the world is engaged in, a road that has been been taken down away from nonproliferation to proliferation by a piece of legislation. I cannot guarantee the Presiding Officer that if this passes there will not be more proliferation of nuclear weapons.

But I am prepared to bet you anything, if we reject this treaty, there will be significantly more proliferation of nuclear capability than there was before because there would be no restraint whatsoever on the one thing every nation has to do to become a nuclear power that is not already a significant nuclear power—and that is to test.

I yield the floor.

Mr. KYL addressed the Chair.

The PRESIDING OFFICER (Ms. COLLINS). The Senator from Arizona.

Mr. KYL. Madam President, let me make a couple comments and then I will yield to the Senator from New Hampshire.

I appreciate the Senator from Delaware making a slight concession, and asking for one in return. His concession, of course, is that it is better to test. I think we would all agree it is better to test. The question is whether or not there is an adequate substitute if we do not test. And upon that the jury is still out.

He also asked the question: Isn't it also better not to test if we can persuade others not to do so by our own willingness to forego testing? I think that question has actually been answered because for 8 years we have had a moratorium seeking to persuade others not to test. During that time, we know of at least five countries that have tested: France, China, Russia, Pakistan, and India. So it is clear that our foregoing testing has not created the norm against testing that proponents of the treaty would like to see.

It is also not better to forego testing in an effort to get others to do so as well if, in fact, our own stockpile would be unduly jeopardized as a result. On that, there has been a variety of expert opinion testifying this past week suggesting that the reason it is better to test is precisely because we cannot confirm the safety and reliability of our stockpile to an adequate degree of certainty without that.

To the question of whether or not it is a fallacy of logic to quote experts, I would simply suggest that while it may not be the most persuasive argument in the world to quote experts in support of your position, it is at least some weight of evidence. Both sides have engaged in that. It is true that on many of these issues there are opinions on both sides of the issue.

Dr. Edward Teller certainly is an expert in nuclear weapons design and on many other matters that relate to it. But let's assume he does not know what he is talking about here and go to people whose job it was to verify a compliance with arms control treaties.

I ask unanimous consent to have printed in the RECORD a letter dated October 1, 1999, from Fred Eimer, Former Assistant Director of ACDA, the Arms Control Agency Verification and Implementation Office, to Senator HELMS.

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

OCTOBER 1, 1999.

Senator JESSE HELMS,
Chairman, Committee on Foreign Relations, U.S. Senate.

DEAR MR. CHAIRMAN: I write to express my opposition to the Comprehensive Test Ban Treaty (CTBT) Numerous experts have noted that this treaty raises serious questions regarding the ability of the United States to maintain our nuclear deterrent. I am particularly concerned, however, that the United States will be disproportionately harmed by the test ban. Other nations will be able to conduct militarily significant nuclear test well below the verification threshold of the Treaty's monitoring system, and our own unilateral capability.

I have listened with concern to the various claims being made regarding the CTBT's

International Monitoring System (IMS). It is important to note that the IMS will have serious limitations. While many in the U.S. recognize the IMS' technical limitations, it is being oversold internationally as a comprehensive, effective monitoring regime.

Supporters of the CTBT have sought to divert attention from the IMS' limitations by emphasizing that the United States will have its own national technical means (NTM) of verification and would have the right under the Treaty to request an on-site inspection. The United States cannot take comfort in these claims.

The U.S. has stated that an effective verification system ''should be capable of identifying and attributing with high confidence evasively conducted nuclear explosions of about a few kilotons yield in broad areas of the globe''. That degree of verifiability is a goal that is not achieved now, and it is far from certain that it will be met in the foreseeable future. It is very unlikely that the verification system will provide evidence sufficient for U.S. or collective action should tests of a few kilotons yield take place.

The capability of the U.S. and of the International Monitoring System (IMS) to detect seismic signals of possible nuclear test origin can be quantified. Charts can show what that capability is for the U.S. network, the current IMS and a possible future IMS for all areas of the world. Thousands of seismic events will be detected yearly by these systems. The verification task will be to determine which, if any, of these signals can be identified as being from nuclear tests.

The large underground tests conducted in past decades were easily verified as being of nuclear origin. However, identification of possible future tests in the kiloton yield range in violation of a CTBT will be a daunting task in most, if not all instances.

The relationship between detection and identification depends on a number of factors that will not be known. If charts are produced that purport to show the identification capability for areas of interest throughout the world, those charts would be a result of subjective judgements that are likely to of limited and uncertain dependability.

You may recall that over the decades of the TTBT that there was much controversy about the yields of tests that were deduced from seismic signal magnitudes. This was true even though the Soviet test sites were studied more than almost any other part of the world and the signals in question came from relatively large tests.

It is certain that whatever the minimum detectable yield capability is of a seismic network, the verification capability, that is, the ability for identification is substantially worse, by as much as a factor of ten or more in some instances.

Furthermore, possible Treaty violators can take steps to make detection and identification more difficult. For example, the technique of ''decoupling'', that is, testing in a sufficiently large cavity, can reduce the seismic magnitude of a test. Every country of concern to the United States is technically capable of decoupling at least its small nuclear explosions.

While in the past primary reliance for obtaining verification related intelligence was placed on systems that collected photographic, seismic and other data, the CTBT's verification system includes on-site inspection (OSI). I believe that the value of OSI is very limited for the CTBT.

The CTBT's on-site inspection regime is unlikely to provide evidence of noncompliance. However, it may permit a country falsely accused of a CTBT violation to help clear its name. Tests large enough to be unambiguously identified do not need OSI. For small tests the location of the source of the seismic signals would be so uncertain, that OSI would need to cover an impractical large area. Furthermore, it is highly dubious that the United States would get diplomatic approval for an on-site inspection since the treaty has a ''red-light'' requirement that 30 of 51 members must endorse such a step. The CTBT's negotiating record makes clear that an OSI request would be viewed as a hostile action.

Furthermore, the OSI regime associated with the Treaty has a number of as yet unsettled procedural and implementation issues. It is possible that some of these can be fixed. However, OSI has very little to offer for confirming that a nuclear test has been conducted, even if these issues are resolved.

In conclusion, Mr. Chairman, the proposed treaty will put our nuclear deterrent at risk without significant arms control or nonproliferation benefit. Other nations will be able to conduct militarily significant nuclear test well below the verification threshold of the Treaty's monitoring system, and our own unilateral capability.

Best regards.

FRED EIMER,
Former Assistant Director, ACDA, Verification and Implementation.

Mr. KYL. In this letter he said:

Other nations will be able to conduct militarily significant nuclear tests well below the verification threshold of the Treaty's monitoring system, and our own unilateral capability.

In other words, the treaty is not verifiable.

Testifying last week, one of the experts acknowledged by Senator BIDEN, Dr. Paul Robinson, who is the Director of the Sandia National Laboratories, said:

The treaty bans any ''nuclear explosion,'' but unfortunately, compliance with the strict zero-yield requirement is unverifiable.

Finally, the third and most prominent of all experts that I would like to suggest we pay some attention to with respect to verification is our own colleague, Senator RICHARD LUGAR from Indiana. I ask unanimous consent that his press release, dated October 7, 1999, be printed in the RECORD.

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

LUGAR OPPOSES COMPREHENSIVE TEST BAN TREATY

Senator Dick Lugar, a senior member of the Senate Intelligence Committee, Foreign Relations Committee and National Security Working Group, released the following statement today announcing his position on the Comprehensive Test Ban Treaty:

The Senate is poised to begin consideration of the Comprehensive Test Ban Treaty under a unanimous consent agreement that will provide for 14 hours of general debate, debate on two amendments, and a final vote on ratification.

I regret that the Senate is taking up the treaty in an abrupt and truncated manner that is so highly politicized. Admittedly, the CTBT is not a new subject for the Senate. Those of us who over the years have sat on the Foreign Relations, Armed Services, or Intelligence Committees are familiar with it. The Senate has held hearings and briefings on the treaty in the past.

But for a treaty of this complexity and importance a more sustained and focused effort is important. Senators must have a sufficient opportunity to examine the treaty in detail, ask questions of our military and the administration, consider the possible implications, and debate at length in committee and on the floor. Under the current agreement, a process that normally would take many months has been reduced to a few days. Many Senators know little about this treaty. Even for those of us on national security committees, this has been an issue floating on the periphery of our concerns.

Presidential leadership has been almost entirely absent on the issue. Despite having several years to make a case for ratification, the administration has declined to initiate the type of advocacy campaign that should accompany any treaty of this magnitude.

Nevertheless, the Senate has adopted an agreement on procedure. So long as that agreement remains in force, Senators must move forward as best they can to express their views and reach informed conclusions about the treaty.

In anticipation of the general debate, I will state my reasons for opposing ratification of the CTBT.

The goal of the CTBT is to ban all nuclear explosions worldwide: I do not believe it can succeed. I have little confidence that the verification and enforcement provisions will dissuade other nations from nuclear testing. Furthermore, I am concerned about our country's ability to maintain the integrity and safety of our own nuclear arsenal under the conditions of the treaty.

I am a strong advocate of effective and verifiable arms control agreements. As a former Vice-Chairman of the Senate Arms Control Observer Group and a member of the Foreign Relations Committee, I have had the privilege of managing Senate consideration of many arms control treaties and agreements.

I fought for Senate consent to ratification of the INF Treaty, which banned intermediate range nuclear weapons in Europe; the Conventional Forces in Europe Treaty, which created limits on the number of tanks, helicopters, and armored personnel carriers in Europe; the START I Treaty, which limited the United States and the Soviet Union to 6,500 nuclear weapons; the START II Treaty, which limited the U.S. and the former Soviet Union to 3,500 nuclear weapons; and the Chemical Weapons Convention, which outlawed poison gas.

These treaties, while not ensuring U.S. security, have made us safer. They have greatly reduced the amount of weaponry threatening the United States, provided extensive verification measures, and served as a powerful statement of the intent of the United States to curtail the spread of weapons of mass destruction.

I understand the impulse of the proponents of the CTBT to express U.S. leadership in another area of arms control. Inevitably, arms control treaties are accompanied by idealistic principles that envision a future in which international norms prevail over the threat of conflict between nations. However, while affirming our desire for international peace and stability, the U.S. Senate is charged with the constitutional responsibility of making hard judgments about the likely outcomes of treaties. This requires that we examine the treaties in close detail and calculate the consequences of ratification for the present and the future. Viewed in this context, I cannot support the treaty's ratification.

I do not believe that the CTBT is of the same caliber as the arms control treaties that have come before the Senate in recent decades. Its usefulness to the goal of nonproliferation is highly questionable. Its likely ineffectuality will risk undermining support and confidence in the concept of multilateral arms control. Even as a symbolic

statement of our desire for a safer world, it is problematic because it would exacerbate risks and uncertainties related to the safety of our nuclear stockpile.

STOCKPILE STEWARDSHIP

The United States must maintain a reliable nuclear deterrent for the foreseeable future. Although the Cold War is over, significant threats to our country still exist. At present our nuclear capability provides a deterrent that is crucial to the safety of the American people and is relied upon as a safety umbrella by most countries around the world. One of the most critical issues under the CTBT would be that of ensuring the safety and reliability of our nuclear weapons stockpile without testing. The safe maintenance and storage of these weapons is a crucial concern. We cannot allow them to fall into disrepair or permit their safety to be called into question.

The Administration has proposed an ambitious program that would verify the safety and reliability of our weapons through computer modeling and simulations. Unfortunately, the jury is still out on the Stockpile Stewardship Program. The last nine years have seen improvements, but the bottom line is that the Senate is being asked to trust the security of our country to a program that is unproven and unlikely to be fully operational until perhaps 2010. I believe a National Journal article, by James Kitfield, summed it up best by quoting a nuclear scientist who likens the challenge of maintaining the viability of our stockpile without testing to ''walking an obstacle course in the dark when your last glimpse of light was a flash of lightning back in 1992.''

The most likely problems facing our stockpile are a result components degrade in unpredictable ways, in some cases causing weapons to fail. This is compounded by the fact that the U.S. currently has the oldest inventory in the history of our nuclear weapons programs.

Over the last forty years, a large percentage of the weapon designs in our stockpile have required post-deployment tests to resolve problems. Without these tests, not only would the problems have remained undetected, but they also would have gone unrepaired. The Congressional Research Service reported last year that: ''A problem with one warhead type can affect hundreds of thousands of individually deployed warheads; with only 9 types of warheads expected to be in the stockpile in 2000, compared to 30 in 1985, a single problem could affect a large fraction of the U.S. nuclear force.'' If we are to put our faith in a program other than testing to ensure the safety and reliability of our nuclear deterrent and thus our security, we must have complete faith in its efficacy. The Stockpile Stewardship Program falls well short of that standard.

The United States has chosen to re-manufacture our aging stockpile rather than creating and building new weapon designs. This could be a potential problem because many of the components and procedures used in original weapon designs no longer exist. New production procedures need to be developed and substituted for the originals, but we must ensure that the re-manufactured weapons will work as designed.

I am concerned further by the fact that some of the weapons in our arsenal are not as safe as we could make them. Of the nine weapon designs currently in our arsenal, only one employs all of the most modern safety and security measures. Our nuclear weapons laboratories are unable to provide the American people with these protections because of the inability of the Stockpile Stewardship Program to completely mimic testing.

At present, I am not convinced the Stockpile Stewardship Program will permit our experts to maintain a credible deterrent in the absence of testing. Without a complete, effective, and proven Stockpile Stewardship Program, the CTBT could erode our ability to discover and fix problems with the nuclear stockpile and to make safety improvements.

In fact, the most important debate on this issue may be an honest discussion of whether we should commence limited testing and continue such a program with consistency and certainty.

VERIFICATION

President Reagan's words ''trust but verify'' remain an important measuring stick of whether a treaty serves the national security interests of the United States. The U.S. must be confident of its ability to detect cheating among member states. While the exact thresholds are classified, it is commonly understood that the United States cannot detect nuclear explosions below a few kilotons of yield. The Treaty's verification regime, which includes an international monitoring system and on-site inspections, was designed to fill the gaps in our national technical means. Unfortunately, the CTBT's verification regime will not be up to that task even if it is ever fully deployed.

Advances in mining technologies have enabled nations to smother nuclear tests, allowing them to conduct tests with little chance of being detected. Similarly, countries can utilize existing geologic formations to decouple their nuclear tests, thereby dramatically reducing the seismic signal produced and rendering the test undetectable. A recent Washington Post article points out that part of the problem of detecting suspected Russian tests at Novaya Zemlya is that the incidents take place in a large granite cave that has proven effective in muffling tests.

The verification regime is further bedeviled by the lack of a common definition of a nuclear test. Russia believes hydro-nuclear activities and sub-critical experiments are permitted under the treaty. The U.S. believes sub-critical experiments are permitted but hydro-nuclear tests are not. Other states believe both are illegal. A common understanding or definition of what is and what is not permitted under the treaty has not been established.

Proponents point out that if the U.S. needs additional evidence to detect violations, on-site inspections can be requested. Unfortunately, the CTBT will utilize a red-light inspection process. Requests for on-site inspections must be approved by at least 30 affirmative votes of members of the Treaty's 51-member Executive Council. In other words, if the United States accused another country of carrying out a nuclear test, we could only get an inspection if 29 other nations concurred with our request. In addition, each country can declare a 50 square kilometer area of its territory as off limits to any inspections that are approved.

The CTBT stands in stark contrast to the Chemical Weapons Convention in the area of verifiability. Whereas the CTBT requires an affirmative vote of the Executive Council for an inspection to be approved, the CWC requires an affirmative vote to stop an inspection from proceeding. Furthermore, the CWC did not exclude large tracts of land from the inspection regime, as does the CTBT.

The CTBT's verification regime seems to be the embodiment of everything the United States has been fighting against in the UNSCOM inspection process in Iraq. We have rejected Iraq's position of choosing and approving the national origin of inspectors. In addition, the 50 square kilometer inspection-free zones could become analogous to the controversy over the inspections of Iraqi presidential palaces. The UNSCOM experience is one that is best not repeated under a CTBT.

ENFORCEMENT

Let me turn to some enforcement concerns. Even if the United States were successful in utilizing the laborious verification regime and non-compliance was detected, the Treaty is almost powerless to respond. This treaty simply has no teeth. Arms control advocates need to reflect on the possible damage to the concept of arms control if we embrace a treaty that comes to be perceived as ineffectual. Arms control based only on a symbolic purpose can breed cynicism in the process and undercut support for more substantive and proven arms control measures.

The CTBT's answer to illegal nuclear testing is the possible implementation of sanctions. It is clear that this will not prove particularly compelling in the decision-making processes of foreign states intent on building nuclear weapons. For those countries seeking nuclear weapons, the perceived benefits in international stature and deterrence generally far outweigh the concern about sanctions that could be brought to bear by the international community.

Further, recent experience has demonstrated that enforcing effective multilateral sanctions against a country is extraordinarily difficult. Currently, the United States is struggling to maintain multilateral sanctions on Iraq, a country that openly seeks weapons of mass destruction and blatantly invaded and looted a neighboring nation, among other transgressions. If it is difficult to maintain the international will behind sanctions on an outlaw nation, how would we enforce sanctions against more responsible nations of greater commercial importance like India and Pakistan?

In particularly grave cases, the CTBT Executive Council can bring the issue to the attention of the United Nations. Unfortunately, this too would most likely prove ineffective, given that permanent members of the Security Council could veto any efforts to punish CTBT violators. Chances of a better result in the General Assembly are remote at best.

I believe the enforcement mechanisms of the CTBT provide little reason for countries to forego nuclear testing. Some of my friends respond to this charge by pointing out that even if the enforcement provisions of the treaty are ineffective, the treaty will impose new international norms for behavior. In this case, we have observed that ''norms'' have not been persuasive for North Korea, Iraq, Iran, India and Pakistan, the very countries whose actions we seek to influence through a CTBT.

If a country breaks the international norm embodied in the CTBT, that country has already broken the norm associated with the Non-Proliferation Treaty (NPT). Countries other than the recognized nuclear powers who attempt to test a weapon must first manufacture or obtain a weapon, which would constitute a violation of the NPT. I fail to see how an additional norm will deter a motivated nation from developing nuclear weapons after violating the longstanding norm of the NPT.

CONCLUSION

On Tuesday the Senate is scheduled to vote on the ratification of the CTBT. If this vote takes place, I believe the treaty should be defeated. The Administration has failed to make a case on why this treaty is in our national security interests.

The Senate is being asked to rely on an unfinished and unproven Stockpile Stewardship Program. This program might meet our needs in the future, but as yet, it is not close

to doing so. The treaty is flawed with an ineffective verification regime and a practically nonexistent enforcement process.

For these reasons, I will vote against ratification of the CTBT.

Mr. KYL. Let me quote three or four lines from it.

He said:

If we are to put our faith in a program other than testing to ensure the safety and reliability of our nuclear deterrent and thus our security, we must have complete faith in its efficacy. The Stockpile Stewardship Program falls well short of that standard. . . .

At present, I am not convinced the Stockpile Stewardship Program will permit our experts to maintain a credible deterrent in the absence of testing.

He goes on the say:

Unfortunately, the CTBT's verification regime will not be up to that task even if it is ever fully deployed.

He concludes his statement with this paragraph:

The Senate is being asked to rely on an unfinished and unproven Stockpile Stewardship Program. This program might meet our needs in the future, but as yet, it is not close to doing so. The treaty is flawed with an ineffective verification regime and a practically nonexistent enforcement process.

For these reasons, I will vote against ratification of the CTBT.

So spoke Senator RICHARD LUGAR. I do not suggest that any of us here in the Senate are as expert as other people I have quoted, but certainly Senator LUGAR has a reputation for being a very serious and well-informed student of arms control issues, a proponent of arms control treaties. When he says, as he did with respect to this treaty, that it is simply not of the same caliber as other arms control treaties for the variety of reasons he expresses in his release, I think all of us should pay serious attention to that.

Madam President, it is now my pleasure, at long last, to turn to the Senator from New Hampshire, who has been very patient in waiting for Senator BIDEN and me to conclude.

Mr. BIDEN. Madam President, I won't take the time.

The PRESIDING OFFICER. The Senator from Arizona has the floor.

Mr. KYL. I yield to Senator BIDEN and then have a unanimous consent request.

Mr. BIDEN. Madam President, I want to print in the RECORD, without taking the time from the Senator from New Hampshire, some other quotes from Dr. Robinson from his testimony on October 7, 1999. I ask unanimous consent they be printed in the RECORD.

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

WRITTEN TESTIMONY OF DR. PAUL ROBINSON TO THE ARMED SERVICES COMMITTEE, OCT. 7, 1999

Nuclear effects tests carried out in underground test chambers were always a compromise to the actual conditions that warheads would experience in military use. Thus, this is not the first time that we have been challenged to do the best job simulating phenomena which cannot be achieved experimentally.

Mr. BIDEN. As well, I ask unanimous consent to print in the RECORD quotes from the October 7 testimony of Dr. Robinson, Dr. Tarter, Dr. Tarter again, Dr. Browne, Dr. Robinson, Mr. Levin, Dr. Robinson, Dr. Robinson, Dr. Tarter, Dr. Tarter and Dr. Browne; it is an exchange.

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

LAB DIRECTORS' WRITTEN TESTIMONY—KEY QUOTES ON STOCKPILE STEWARDSHIP, OCTOBER 7, 1999, ARMED SERVICES COMMITTEE HEARING

Dr. Robinson, Page 5:

I believed then, as I do now, that it may be possible to develop the Science-Based Stockpile Stewardship approach as a substitute for nuclear testing for keeping previously tested nuclear weapons designs safe and reliable.

Dr. Tarter, Page 1:

The bottom line remains the same as it has been in my previous testimonies before this Committee. Namely, that a strongly supported, sustained Stockpile Stewardship Program has an excellent chance of ensuring that this nation can maintain the safety, security, and reliability of the stockpile without nuclear testing.

Dr. Tarter, Page 4:

In December 1998, we completed the third annual certification of the stockpile for the President and were able to conclude that nuclear tests were not required at this time to assure the safety and reliability of the nation's nuclear weapons.

Dr. Brown, Page 1:

I am confident that a fully supported and sustained program will enable us to continue to maintain America's nuclear deterrent without nuclear testing.

Senator LEVIN. . . . what you are telling us is that if this safeguard and the other safeguards are part of this process that you can rely on . . ., Dr. Robinson, you are on board in terms of this treaty; is that correct?

Dr. ROBINSON. I am on board that science-based stockpile stewardship has a much higher chance of success and I will accept it as the substitute.

Senator LEVIN. For what?

Dr. ROBINSON. I still had other reservations about the treaty—

Senator LEVIN. As a substitute for what?

Dr. ROBINSON. As a substitute for requiring yield tests for certification.

Senator LEVIN. Dr. Tarter?

Senator TARTER. A simple statement again: It is an excellent bet, but it is not a sure thing.

Senator LEVIN. My question is are you on board, given these safeguards?

Senator TARTER. I can only testify to the ability of stockpile stewardship to do the job. It is your job about the treaty.

Senator LEVIN. Are you able to say that, providing you can rely on safeguard F and at some point decide that you cannot certify it, that you are willing under that condition to rely on this stewardship program as a substitute for actual testing?

Senator TARTER. Yes.

Senator LEVIN. Dr. Browne?

Senator BROWNE. Senator Levin, if the government provides us with the sustained resources, the answer is yes, and if safeguard F is there, yes.

Mr. BIDEN. I thank the Chair, my colleagues, and my friend from New Hampshire.

Mr. KYL. Madam President, I ask unanimous consent to print in the RECORD, at a cost of $3,228.00, a series of decision briefs and newspaper articles on the subject of the test ban treaty.

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

[From the Center for Security Policy, Oct. 11, 1999]

DECISION BRIEF NO. 99–D 107

C.T.B.T. TRUTH OR CONSEQUENCES #1: A SAFE, RELIABLE NUCLEAR DETERRENT DEMANDS PERIODIC, REALISTIC UNDERGROUND TESTING

(Washington, D.C.): In various series settings over the past few days, President Clinton has made a number of pronouncements about the Comprehensive Test Ban Treaty in the hope of selling it to an unreceptive U.S. Senate. Many of his statements are misleading, some simply inaccurate; not a few fall into both categories.

Fortunately, the hearings held in the Senate Armed Services and Foreign Relations Committees last week provided needed rebuttals from respected former Cabinet and sub-Cabinet officers and other authorities. As a contribution to the Senate's deliberations, the Center offers highlights of these expert witnesses' testimony and other relevant information to help correct the record.

President Clinton: ''Our experts have concluded that we don't need more tests to keep our own nuclear forces strong.''

The Truth: The ''experts'' President Clinton cites may feel as he claims they do, but if so, they are ignoring historical experience and indulging in wishful thinking of the most dangerous kind. The more responsible among them make clear that their ''confidence'' in being able to keep the U.S. nuclear forces not only ''strong'' but safe and reliable is highly conditional—dependent upon an as-yet incomplete, unproven Stockpile Stewardship Program being fully funded for at least a decade (at a total cost of $45 billion or more) and no problems that would require testing to correct developing in the meantime. For example, Dr. John Browne, the current Director of the Los Alamos National Laboratory told the Armed Services Committee last week:

''The issue that we face is whether we will have the people, the capabilities and the national commitment to maintain this confidence in the stockpile in the future, when we expect to see more significant changes. Although we are adding new tools each year, the essential tool kits for stockpile stewardship will not be complete until sometime in the next decade.''

Last week's testimony, moreover, made clear the views of other ''experts'' who believe that the American deterrent cannot be kept safe and relialbe—let alone strong—without periodic, realistic underground nuclear tests. These include the following:

Dr. James Schlesinger, former Secretary of Energy under President Carter (as well as former Secretary of Defense, Director of the CIA and Chairman of the Atomic Energy Commission): ''In the absence of testing, confidence in the reliability of the stockpile will inevitably, ineluctably decline. In the seen years since our last test, confidence has declined. It is declining today and will continue to decline. . . .

''Why is such a decline in confidence unavoidable? Our nuclear weapons are highly sophisticated devices composed of thousands of components that must operate with split-second timing and with scant margin for error. Weapons are also radioactive, and thus subject to radioactive decay and chemical decomposition. Other components will age and will fail. All of the components must ultimately be replaced due to changes in material, changes in regulations, the disappearance of manufacturers, the changing of processes. That replacement can never be perfect.''

Former Secretary of Defense Caspar Weinberger: ''If we need nuclear weapons, we have to know that they will work. That is the essence of their deterrence. If there is uncertainty about that, the deterrent capability is weakened. The only assurance that you could have that they will work is to test them, and the only way to test them is the most effective way to test them.''

''Since [U.S.] testing ended [in 1992] there have been no weapons ''red-lined'' [i.e., removed from operational status for safety and/or reliable reasons]. The assumption seems to be that since we stopped testing everything's fine. Well, I can't share that assumption, I don't think that's correct, and I don't want to take a chance. You just aren't allowed any margin for error in this business. And this treaty gives a very large margin for error.''

''And all of the discussion in other committees and a great deal of the discussion in public has been an attempt to show that the stockpile stewardship program will be an effective way of testing them, although everyone agrees it's not as effective as testing them in the way that we have done in the past with underground explosions, with all precautions to prevent any of the escape of the material into the atmosphere.

''You will have all kinds of statements made that the stewardship stockpile program will be able to be tested by computer modeling. We've had some less than reassuring statements that the computers that can do this best will be available in 2005 or 2008, which is a tacit admission that in the meantime, the stockpile stewardship program, as it's presently constituted, is not an effective way of testing. And the only way to be sure that these weapons will work and will be able to do their horribly lethal task is to test them and test them in the most effective way possible.''

Admiral Henry Chiles, President Clinton's former Commander-in-Chief, U.S. Strategic Forces Command: ''We are going to have to remove and replace almost all, if not all, of the non-nuclear components in those weapons with newly designed components. The older components are not available. They were originally manufactured by technologies that are obsolete, and they are not supported in our evolving industrial base. And without testing I know of no other engineering unit of comparable complexity that anyone would consider safe and reliable in a modern world.''

Dr. Paul Robinson, the current Director of the Sandia National Laboratory: ''I can state with no caveats that to confirm the performance of high-tech devices—cars, airplanes, medical diagnostics, computers or nuclear weapons—testing is the preferred methodology . . . actually nuclear testing of the entire system. . . . To forego testing is to live with an uncertainty. And the question is, what is the risk, can one bound the uncertainty, and how does that work out?''

''In the past, we used to change out the nation's nuclear weapons about eight to 10 years; we would replace an old design with a completely new design at that point in time. And so we had really very little effects due to aging of the system sitting in there. Today the stockpile is the oldest one we've ever had in the 54-year history of the program, so we're watching for new effects due to aging that we haven't seen before.''

Dr. John Nuckles, former Director of the Lawrence Livermore National Laboratory under President Clinton: ''It cannot be assured that the powerful computational and experimental capabilities of the Stockpile Stewardship program will increase confidence and reliability. Improved understanding may reduce confidence in the estimates to performance margins and reliability if fixes and validations are precluded by the CTBT.''

''The SSP will probably succeed in finding undetected stockpile defects and in narrowing the major gaps in our understanding of nuclear weapons which have eluded 50 years of nuclear testing. Nuclear testing would then be required to confirm this new understanding and validate the resulting stockpile fixes.''

Dr. Troy Wade, former Assistant Secretary of Energy for Defense Programs and nuclear bomb designer: ''Nuclear weapons are not like artillery shells. You cannot store them in a bottle or building and then get them whenever the exigencies of the situation prompt you to do so. Nuclear weapons are very complicated assemblies that require continued vigilance to assure reliability and safety.

''It is, therefore, a first-order principle that nuclear weapons that are now expected to be available in the enduring stockpile for much longer than was contemplated by the designers, will require enhanced vigilance to continue to ensure safety and reliability.

''I am a supporter, only because I believe it is a way to develop the computational capability to assure the annual certification process for warheads, that have not changed, or for which there is no apparent change. For nuclear weapons that do not fit that category, stockpile stewardship is merely—as we say in Nevada—a crap shoot. Nuclear testing has always been the tool necessary to maintain, with high confidence, the reliability and safety of the stockpile. I believe this treaty would remove the principle tool from the tool chests of those responsible for assuring safety and reliability.''

''Maintaining the nuclear deterrence of the United States, without permitting needed testing, is like requiring the local ambulance service to guarantee 99 percent reliability any time the ambulance is requested, but with a provision that the ambulance is never to be started until the call comes. I believe this is a patently absurd premise.''

Dr. Robert Barker, former Assistant for Atomic Energy to Secretaries of Defense Weinberger, Carlucci and Cheney and a nuclear weapon designer: ''There are nine weapons in the continuing inventory; only three of those weapons have the three modern safety features of enhanced nuclear detonation safety, the fire resistant pit and insensitive high explosive. Three of the systems in the continuing inventory have only one of those features.

''Now, I believe to freeze an inventory in place in which every weapon is not as safe as it could be is unconscionable. I think that is a decision that the Senate really needs to take on and ask itself whether it is comfortable with making a decision to freeze the stockpile in a situation in which it is less safe than it could be. Should an accident happen, the loss of life, loss of property, as a result of not having included—it could have been precluded by the inclusion of one of these features—who is it that will take the credit or take the blame for that? I think any prudent program that called for a cessation in testing would have made sure that every weapon in the inventory was as safe as it could be before such a step was taken.

The bottom line

In his testimony before the Senate Armed Services Committee, Secretary Schlesinger cited remarks made by Dr. Victor Reis, President Clinton's erstwhile Assistant Secretary of Energy for Defense Programs and architect of the Stockpile Stewardship Program, in a speech delivered before he left office to the Sandia National Laboratory:

''Think about [the challenge of the Stockpile Stewardship Program]. We are asking to maintain forever an incredibly complex device no larger than this podium, filled with exotic radioactive materials, that must create, albeit briefly, temperatures and pressures only seen in the nature of the center of stars. Do it without an integrating nuclear test and without any reduction in extraordinarily high standards of safety and reliability. And while you're at it, downsize the industrial complex that supports this enterprise by a factor of two and stand up critical new manufacturing processes; this, within an industrial system that was structured to turn over new designs every 15 years and for which the nuclear explosive testing was the magic tool for demonstrating success.''

Dr. Schlesinger observed dryly: ''Now, this challenge was laid down by the architect of the SSP. He understood the risks. The only thing that he might add to that statement is that, in order to validate the SSP, we would require nuclear testing.''

The ineluctable reality is that the United States has already run potentially grave risks by not testing its aging arsenal for the past seven years. It perpetuates this moratorium—let alone making it a permanent, international obligation—at its peril.

DECISION BRIEF NO. 99–D 108

C.T.B.T. TRUTH OR CONSEQUENCES #2: THIS TREATY IS UNVERIFIABLE—IT MAY MAKE MONITORING OTHERS' NUKE PROGRAMS MORE DIFFICULT

(Washington, D.C.): In a daily drumbeat of remarks aimed at selling the Comprehensive Test Ban Treaty (CTBT) to an unreceptive Senate, President Clinton has repeatedly made the claim that this treaty is ''effectively verifiable.'' While he and his subordinates acknowledge that all testing will not actually be detectable, they insist that any that would undermine our nuclear deterrent would be picked up by U.S. and/or international monitoring systems—the latter, the CTBT's proponents assert, representing a significant augmentation of the former. For example, Mr. Clinton recently declared: ''The treaty will also strengthen our ability to monitor if other countries are engaged in suspicious activities through global chains of sensors and on-site inspections, both of which the treaty provides for.''

The truth

Fortunately, authoritative testimony in the Senate Intelligence, Armed Services and Foreign Relations Committees last week provided needed rebuttals to such claims. While the most sensitive of that testimony was taken by the Intelligence Committee in closed session, an invaluable summary was provided by the Chairman of the Senate Select Committee on Intelligence, Sen. Richard Shelby (R-AL), in an appearance before the Foreign Relations Committee on 7 October. Highlights of Chairman Shelby's authoritative statement include the following:

''It's my considered judgment, as chairman of the Intelligence Committee, based on a review of the intelligence analysis and on testimony this week from the intelligence community's senior arms control analyst, that it's impossible to monitor compliance with this treaty with the confidence that the Senate should demand before providing its advice and consent for ratification.

''I'm not confident that we can now or can in the foreseeable future detect any and all nuclear explosions prohibited under the treaty. While I have a greater degree of confidence in our ability to monitor higher-yield explosions in known test sites, I have markedly less confidence in our capabilities to monitor lower-yield and/or evasively conducted tests, including tests that may enable states to develop new nuclear weapons or improve existing weapons.

''At this point, I should point out too that while the proponents of the treaty have argued that it will prevent nuclear proliferation, the fact is that some of the countries of most concern to us—North Korea, Iran and Iraq—can develop and deploy nuclear weapons without any nuclear tests whatsoever.

''With respect to monitoring, in July of '97, the intelligence community issued a national intelligence estimate entitled: 'Monitoring the Comprehensive Test Ban Treaty Over the Next 10 Years.' . . . The NIE was not encouraging about our ability to monitor compliance with the treaty or about the likely utility of the treaty in preventing countries like North Korea, Iran and Iraq from development and fielding nuclear weapons. The NIE identified numerous challenges, difficulties and credible evasion scenarios that affect the intelligence community's confidence in its ability to monitor compliance.

''Because the details are classified and because of the inherent difficulty of summarizing a very highly technical analysis covering a number of different countries and a multitude of variables, I recommend that members, including the members of this committee, review this document with the following caution: Based on testimony before the committee this week, I believe that newly acquired information requires reevaluation of the 1997 estimate's assumptions and underlying analysis on certain key issues. The revised assumptions and analysis appear certain to lead to even more pessimistic conclusions.''

''Many proponents of the treaty place their faith, in monitoring aids provided under the treaty such as the International Monitoring System—IMS—a multinational seismic detection system, and the CTBT's On-Site Inspection regime—OSI. Based on a review of the structure, likely capabilities and procedures of these international mechanisms, neither of which will be ready to function for a number of years, and based on the intelligence community's own analysis and statements, I'm concerned that these organizations will be of at best limited, if not marginal margin.

''I believe this IMS will be technically inadequate. For example, it was not designed to detect evasively conducted tests which, if you are Iraq or North Korea, are precisely the kind you're going to conduct. It was designed, as you know with diplomatic sensitivities rather than effective monitoring in mind. And it will be eight to 10 years before the system is complete.

''Because of these factors and for other technical reasons, I'm afraid that the IMS is more likely to muddy the waters by injecting questionable data into what will inevitably be highly charged political debate over possible non-compliance. As a result, the value of more accurate, independently obtained U.S. information will be undermined, making it more difficult for the U.S. to make its case for noncompliance if it were to become necessary.

''And with respect to on-site inspection, I believe that the on-site inspection regime invites delay and confusion. For example, while U.S. negotiators originally sought an automatic green light for on-site inspections as a result of the opposition of the People's Republic of China, now, the regime that was adopted allows inspections only with the approval of 30 of the 51 countries on the executive committee. Members of the Committee will appreciate the difficulty of rounding up the votes for such a supermajority.

''I am also deeply troubled by the fact that the inspected party has a veto, a veto over including U.S. inspectors on an inspection team and the right of the inspected party to declare areas up to 50 kilometers off limits to inspection. I understand these provisions mirror limitations sought by Saddam Hussein on the UNSCOM inspectors, which leads me to believe that some of the OSI standards could be what's cut out for Iraq. As a result of these and other hurdles even if inspectors do eventually get near the scene of a suspicious event, the evidence, which is highly perishable, may well have vanished.

In addition to Sen. SHELBY's summary of the information available to the Intelligence Committee, Dr. Kathleen Bailey—a highly respected former Associate Director of the Arms Control and Disarmament Agency—added the following points in her testimony before the Senate Armed Services Committee:

''The international monitoring system of the CTBT is designed or is capable of detecting greater than one kiloton of nuclear yield for a non-evasively conducted test. So, if Russia or someone else decides to conduct a test evasively, the IMS system will probably not be able to detect it.

''This is because there are various techniques that can be used to basically mask the fact that you tested. One of the most widely known is called decoupling, and I would here rely on an unclassified paper I heard a CIA official present last year in which he described the fact that a nation could put a nuclear device in a cavity, detonate it, and essentially the space around it in this cavity would muffle or mitigate the sound, so that the seismic signal is reduced by as much as a factor of 70. This means that a one-kiloton explosion could look like only 14 tons. So it would be well below the threshold of the international monitoring system.''

The bottom line

The fact is that militarily significant covert nuclear testing can—and almost certainly will—be conducted at low-yields or in other ways aimed at masking the force of an explosion. Unfortunately, the history of arms control is riddled with examples of treaties where even clear-cut violations are excused or ignored by the other parties. Just as President Clinton has acknowledged a tendency on the part of his Administration to ''fudge'' the facts when the alternative of telling the truth will have hard policy implications, the Comprehensive Test Ban will prompt this government and others to take the most charitable view of ambiguous data, rather than conclude the treaty has been violated.

If anything, as Sen. SHELBY has noted, the very fact that a treaty is at stake will probably make it more likely, not less, that U.S. intelligence will be discouraged from ascertaining the true status of potentially hostile powers' nuclear weapons programs and behavior that may contravene the CTBT and/or the ''international norm'' it is supposed to establish and promote. Far from contributing to American security, the Comprehensive Test Ban would—in this fashion, among others—degrade that security.

DECISION BRIEF NO. 99–D 109

C.T.B.T. TRUTH OR CONSEQUENCES #3: PRESIDENT BUSH DID NOT 'IMPOSE' A TEST MORATORIUM—IT WAS IMPOSED ON HIM

(Washington, DC): One of the more pernicious misstatements being served up by Clinton Administration officials desperately trying to induce Republican Senators to agree to the ratification of the Comprehensive Test Ban Treaty (CTBT) is to the effect that former President George Bush ''imposed a moratorium'' on U.S. nuclear testing before leaving office. The most recent such misrepresentation was made on ABC News' ''This Week'' program on Sunday by Secretary of State Madeleine Albright. By so doing, they transparently hope to lend an otherwise almost wholly lacking patina of bipartisanship to this accord.

The fact is that President Bush was euchred on the eve of the 1992 election into accepting legislative restrictions on nuclear testing that he vehemently opposed. This point was made clear in testimony before the Senate Armed Services Committee last week by Dr. Robert Barker, a nuclear weapon designer who served as the Pentagon's top nuclear weapons expert during the Reagan and Bush Administrations.

There should be no doubt whatsoever that President Bush and the entire administration that stood behind him believed that nuclear testing was necessary for the maintenance of a safe and reliable stockpile. I don't believe the technical facts have changed since 1993. I believe we are faced with a Comprehensive Test Ban Treaty not because the technical facts have changed but because some political issues are different now than were true in 1993.

President Bush's legacy

President Bush's attitude towards nuclear testing is made express in an unclassified passage from a classified report he submitted to the Congress on his Administration's last full day in office. This report was written to explain why the Bush Administration found a statute mandating an end to all U.S. nuclear testing, following a final series of underground tests, to be incompatible with the national security. It read, in part:

''. . . The Administration has concluded that it is not possible to develop a test program within the constraints of Public Law 102–377 that would be fiscally, militarily and technically responsible. The requirement to maintain and improve the safety of U.S. forces necessitates continued nuclear testing for those purposes, albeit at a modest level, for the foreseeable future. The Administration strongly urges the Congress to modify this legislation urgently, in order to permit the minimum number and kind of underground nuclear tests that the United States requires—regardless of the action of other states—to retain safe and reliable, although dramatically reduced, nuclear deterrent forces.''

The reasons for President Bush's adamant position on the need to continue nuclear testing in order to assure the safety and reliability of the U.S. deterrent is not hard to comprehend in light of the experience described by Dr. Barker in his testimony on 7 October:

''During my six years in the Pentagon, from 1986 and 1992, the people in the nuclear weapons laboratories were even more experienced [than they are today since they] were doing nuclear testing. Well, every day of any year I could go to them and they would tell me my stockpile was safe, my stockpile was reliable—I could count on their judgment.

''Five times during that six-year period I was faced with catastrophic failures in the stockpile. The Department of Energy came to me on five occasions, and I found myself going to Secretaries Weinberger or Carlucci or Cheney, and telling them that a weapon in the inventory could not be trusted to do its job. And until we did further tests those weapons were basically non-operational, and we were faced with trying to deal with the situation of instantaneously having a weapons system not available to us . . . . In every case where a change had to be made in order to fix the problem, a nuclear test was required to be sure that the fix worked.''

President Clinton's Legacy

Dr. Barker also pointed out to Senate how the Clinton Administrations' ideological attachment to the idea of banning all nuclear testing—without regard to the implications for the safety and reliability of the stockpile—had a singularly perverse effect:

''It's one of the great ironies that there was a thing in existence back in 1993 called a test ban readiness program, which called for a significant number of tests each year for a decade in order to prove whether or not a scheme of calculation and non-nuclear simulation would provide a reliable replacement for nuclear testing. . . . That is the reliable, scientific even business approach. You do not change your calibration tool without comparing the results.

''No business would change its accounting system without verifying that the new system gave the same results of the new. No scientist would change the calibration tool in his laboratory without validating that the new tool gave the same result as the old. And in 1993 we were embarked upon a process of developing a set of tools that we could assess whether or not they would prove to be a reliable replacement for nuclear testing.

''The cessation of nuclear testing cut that whole thing off, and instead we jumped into the replacement and have denied ourselves the ability to ever calibrate it if we ratify this Comprehensive Test Ban Treaty.''

The bottom line

No President since John F. Kennedy has voluntarily imposed the kind of unilateral moratorium on nuclear testing upon which Bill Clinton has insisted over the past seven years—and for good reason. And President Kennedy declared when he ended the three year testing moratorium he had adopted:

''We know enough now about broken negotiations, secret preparations and the advantages gained from a long test series never to offer again an uninspected moratorium. Some may urge us to try it again, keeping our preparations to test in a constant state of readiness. But in actual practice, particularly in a society of free choice, we cannot keep top flight scientists concentrating on the preparation of an experiment which may or may not take place on an uncertain date in the undefined future.

''Nor can large technical laboratories be kept fully alert on a stand-by-basis waiting for some other nation to break an agreement. This is not merely difficult or inconvenient—we have explored this alternative thoroughly and found it impossible of execution.''

The fact is that President George Bush, many of those who served in senior ranks of his administration—notably, his Secretary of Defense Dick Cheney, his National Security Advisor Brent Scowcroft and his Secretary of Energy James Watkins have all expressed their opposition to this treaty—and his son, George W. Bush, have formally counseled the Senate against permanent unilateral and/or multilateral bans on nuclear testing. This counsel should be heeded—not misrepresented or ignored.

DECISION BRIEF NO. 99–D 110

C.T.B.T. TRUTH OR CONSEQUENCES #4: THE ZERO-YIELD, PERMANENT TEST BAN'S PEDIGREE IS HARD LEFT, NOT BIPARTISAN OR RESPONSIBLE

(Washington, D.C.): President Clinton is fond of saying that the Comprehensive Test Ban Treaty (CTBT) is the ''longest-sought, hardest-fought prize in the history of arms control.'' He and his subordinates and other CTBT proponents try, however, to confuse by whom the present, zero-yield, permanent ban on all nuclear tests has been so long sought and hard fought. This is not an accident. After all, as it has become clear that this arms control initiative has been the agenda not, as the CTBT's champions contend, for every President since Dwight Eisenhower, but rather for radical, left-wing anti-nuclear ideologies, its prospects for approval by the Republican Senate dwindle.

The fact is, as Senate Foreign Relations Committee Chairman Jesse Helms has observed ''not a single president before the current one has ever sought a zero-yield, indefinite duration CTBT.'' Actually, every one of his predecessors rejected such an approach.

President Reagan's legacy

Particularly instructive is the forceful 1988 rejection of nuclear test bans and other limitations on nuclear testing beyond those currently on the books that was sent by President Reagan to the Congress in September of that year. The highlights of this carefully prepared, interagency-approved report entitled, The Relationship between Progress in Other Areas of Arms Control and More Stringent Limitations on Nuclear Testing should be required reading for Senators now confronting the decision whether to advise and consent to the CTBT:

The Requirement for Testing

''Nuclear testing is indispensable to maintaining the credible nuclear deterrent which has kept the peace for over 40 years.''

''Thus we do not regard nuclear testing as an evil to be curtailed, but as a tool to be employed responsibly in pursuit of national security.''

''The U.S. Tests neither more often nor at higher yields than is required for our security.''

''As long as we must depend on nuclear weapons for our fundamental security, nuclear testing will be necessary.''

Why the United States Tests Nuclear Weapons

''First, we do so to ensure the reliability of our nuclear deterrent.''

''Second, we conduct nuclear tests in order to improve the safety, security, survivability, and effectiveness of our nuclear arsenal. Testing has allowed the introduction of modern safety and security features on our weapons. It has permitted a reduction by nearly one-third in the total number of weapons in the stockpile since 1960, as well as a reduction in the total megatonnage in that stockpile to approximately one-quarter of its 1960 value.''

''Third, the U.S. tests to ensure we understand the effects of a nuclear environment on military systems.''

''Finally, by continuing to advance our understanding of nuclear weapons design, nuclear testing serves to avoid technological surprise and to allow us to respond to evolving threat.''

''These four purposes are vital national security goals. As companion reports by the Departments of Defense and Energy indicate, they cannot currently be met without nuclear testing.''

Reductions in Nuclear and/or Conventional Arms May Actually Increase U.S. Testing Requirements

''. . . It is important to recognize that there is no direct technical linkage between the size of the nuclear stockpile and the requirements for nuclear testing.''

''Indeed, under [an agreement providing for] deep reductions in strategic offensive arms the reliability of our remaining U.S. strategic weapons could be even more important and the need for testing even greater. . . .''

''Similarly, neither reductions in strategic offensive arms themselves nor success in conventional arms reductions will eliminate the third reason for U.S. nuclear testing, the requirement to ensure we understand, from both an offensive and defensive standpoint, the effects of the environment produced by nuclear explosions on military systems. . . . Even in a world with reduced strategic arms and an improved balance in conventional forces, nuclear arms will exist. In such a world, understanding nuclear effects would be no less important.''

Further Policy Caveats

''. . . The U.S. recognizes that neither nuclear testing nor arms control per se are ends in themselves. They are tools to be employed in the interests of enhancing national security.''

''. . . It is clear that limitations as stringent as a complete ban on tests above either 1 kiloton- or 10 kilotons-yield pose serious risks and will almost certainly not prove to be compatible with our overall security interests. As the companion reports by the Departments of Defense and Energy make clear, such limitations have exceptionally severe effects on U.S. programs. In addition, we do not know how to verify such yield limitations.''

The Bottom Line

The Reagan Administration report declared in closing that ''A comprehensive test ban remains a long-term objective of the United States.'' It makes clear, however, that the circumstances under which such a ban might be acceptable are very different from those that applied at the time, or today: ''We believe such a ban must be viewed in the context of a time when we do not need to depend on nuclear deterrence to ensure international security and stability, and when we have achieved broad, deep, and effectively verifiable arms reductions, substantially improved verification capabilities, expanded confidence-building measures, and greater balance in conventional forces.''

Senators being asked to consider postponing a final vote on the Comprehensive Test Ban Treaty should understand that the practical effect of doing so would effectively be to agree that—despite its incompatibility with U.S. national security interests and its consistency with the sort of woolly-headed, radical disarmament notions Ronald Reagan eschewed—the CTBT's restraints would continue to bind the United States. For, under international legal practice, unless and until a nation formally gives notice of its intention not to ratify a treaty, it is obliged to refrain from actions that would undercut its object and purpose. Such notice should be given, and promptly.

DECISION BRIEF NO. 99–D 111

C.T.B.T. TRUTH OR CONSEQUENCES #5: OPPOSITION TO A ZERO-YIELD, PERMANENT TEST BAN IS ROOTED IN SUBSTANCE, NOT POLITICS

(WASHINGTON, D.C.).—Advocates for the Comprehensive Test Ban Treaty (CTBT) have recently engaged in a form of political contortionism that would impress Houdini. Having insisted on the Senate's immediate consideration of this accord in time for a CTBT review conference held last week in Vienna, they were initially surprised, then seemingly pleased when Senate Republicans agreed two weeks ago to a fixed period for debate and a near-term vote. Accordingly, every single Democratic Senator and those relatively few Republicans who have declared their support for the CTBT agreed—obviously with the Clinton White House's blessing—to a ''unanimous consent'' agreement designed to do just that. In other words, when they thought they had (or could get) the necessary votes, the CTBT's proponents were quite content with this arrangement.

As it became clear that the treaty's opponents had easily the 34 votes needed to defeat President Clinton's permanent, zero-yield Comprehensive Test Ban, however, the Administration and its allies began to complain that the arrangement they had agreed to was no longer satisfactory. Suddenly, they claimed the CTBT was in danger of falling victim to ''partisan politics'' and that only by delaying the vote would that accord receive the deliberate consideration due it.

Unfortunately for the pro-CTBT contortionists, the announcement on 7 October by Senator Richard Lugar (R–IN) of his adamant opposition to the present Comprehensive Test Ban Treaty makes such arguments untenable. Sen. Lugar is, after all, a man with a record of unwavering support for arms control and unfailing willingness to pursue bipartisan approaches to foreign policy issues. His closely reasoned and well-researched grounds for his declared intention to vote against this CTBT makes it clear that he and other like-minded Senators will do so for legitimate, substantive reasons.

Reduced to its essence, Sen. Lugar's critique—which is likely to prove highly influential with other centrist Senators—reads as follows:

''The goal of the CTBT is to ban all nuclear explosions worldwide: I do not believe it can succeed. I have little confidence that the verification and enforcement provisions will dissuade other nations from nuclear testing. Furthermore, I am concerned about our country's ability to maintain the integrity and safety of our own nuclear arsenal under the conditions of the treaty.

''. . . While affirming our desire for international peace and stability, the U.S. Senate is charged with the constitutional responsibility of making hard judgments about the likely outcomes of treaties. This requires that we examine the treaties in close detail and calculate the consequences of ratification for the present and the future. Viewed in this context, I cannot support the treaty's ratification.''

Highlights of Senator Lugar's critique should be required reading for Senators and their constituents alike:

Bad Arms Control: ''I do not believe that the CTBT is of the same caliber as the arms control treaties that have come before the Senate in recent decades. Its usefulness to the goal of non-proliferation is highly questionable. Its likely ineffectuality will risk undermining support and confidence in the concept of multi-lateral arms control. Even as a symbolic statement of our desire for a safer world, it is problematic because it would exacerbate risks and uncertainties related to the safety of our nuclear stockpile.''

No Safety Net on the SSP: ''At present our nuclear capability provides a deterrent that is crucial to the safety of the American people and is relied upon as a safety umbrella by most countries around the world. One of the most critical issues under the CTBT would be that of ensuring the safety and reliability of our nuclear weapons stockpile without testing. The safe maintenance and storage of these weapons is a crucial concern. We cannot allow them to fall into disrepair or permit their safety to be called into question.

''. . . Unfortunately, the jury is still out on the Stockpile Stewardship Program. The last nine years have seen improvements, but the bottom line is that the Senate is being asked to trust the security of our country to a program that is unproven and unlikely to be fully operational until perhaps 2010.

''. . . The Congressional Research Service reported last year that: 'A problem with one warhead type can affect hundreds of thousands of individually deployed warheads; with only 9 types of warheads expected to be in the stockpile in 2000, compared to 30 in 1985, a single problem could affect a large fraction of the U.S. nuclear force.' If we are to put our faith in a program other than testing to ensure the safety and reliability of our nuclear deterrent and thus our security, we must have complete faith in its efficacy. The Stockpile Stewardship Program falls well short of that standard.

''. . . I am concerned further by the fact that some of the weapons in our arsenal are not as safe as we could make them. Of the nine weapon designs currently in our arsenal, only one employs all of the most modern safety and security measures. Our nuclear weapons laboratories are unable to provide the American people with these protections because of the inability of the Stockpile Stewardship Program to completely mimic testing.

''At present, I am not convinced the Stockpile Stewardship Program will permit our experts to maintain a credible deterrent in the absence of testing. Without a complete, effective, and proven Stockpile Stewardship program, the CTBT could erode our ability to discover and fix problems with the nuclear stockpile and to make safety improvements.''

An Unverifiable CTBT: ''The U.S. must be confident of its ability to detect cheating among member states. While the exact thresholds are classified, it is commonly understood that the United States cannot detect nuclear explosions below a few kilotons of yield. The Treaty's verification regime, which includes an international monitoring system and on-site inspections, was designed to fill the gaps in our national technical means. Unfortunately, the CTBT's verification regime will not be up to that task even if it is ever fully deployed.''

''The verification regime is further bedeviled by the lack of a common definition of a nuclear test. Russia believes hydro-nuclear activities and sub-critical experiments are permitted under the treaty. The U.S. believes sub-critical experiments are permitted but hydro-nuclear tests are not. Other states believe both are illegal. A common understanding or definition of what is and what is not permitted under the treaty has not been established.''

''The CTBT's verification regime seems to be the embodiment of everything the United States has been fighting against in the UNSCOM inspection process in Iraq. We have rejected Iraq's position of choosing and approving the national origin of inspectors. In addition, the 50 square kilometer inspection-free zones could become analogous to the controversy over the inspections of Iraqi presidential palaces. The UNSCOM experience is one that is best not repeated under a CTBT.''

Mission Impossible—Enforcement of the CTBT: ''Even if the United States were successful in utilizing the laborious verification regime and non-compliance was detected, the Treaty is almost powerless to respond. This treaty simply has no teeth. Arms control advocates need to reflect on the possible damage to the concept of arms control if we embrace a treaty that comes to be perceived as ineffectual. Arms control based only on a symbolic purpose can breed cynicism in the process and undercut support for more substantive and proven arms control measures.

''The CTBT's answer to illegal nuclear testing is the possible implementation of sanctions. It is clear that this will not prove particularly compelling in the decision-making processes of foreign states intent on building nuclear weapons. For those countries seeking nuclear weapons, the perceived benefits in international stature and deterrence generally far outweigh the concern about sanctions that could be brought to bear by the international community.''

Fraudulent ''Norm'': ''I believe the enforcement mechanisms of the CTBT provide little reason for countries to forego nuclear testing. Some of my friends respond to this charge by pointing out that even if the enforcement provisions of the treaty are ineffective, the treaty will impose new international norms for behavior. In this case, we have observed that ''norms'' have not been persuasive for North Korea, Iraq, Iran, India and Pakistan, the very countries whose actions we seek to influence through a CTBT.

''If a country breaks the international norm embodied in the CTBT, that country has already broken the norm associated with the Non-Proliferation Treaty (NPT). Countries other than the recognized nuclear powers who attempt to test a weapon must first manufacture or obtain a weapon, which would constitute a violation of the NPT. I fail to see how an additional norm will deter a motivated nation from developing nuclear weapons after violating the long-standing norm of the NPT.''

The Bottom Line

The Clinton Administration's transparent intent to use the CTBT as a political weapon against its critics makes Senator Lugar's statesmanship and courage in opposing this treaty as a matter of principle all the more commendable. Although the Indiana Senator has made clear his preference not to vote on the CTBT in the coming days, the substantive case he has made against this accord should be dispositive to his colleagues in deciding to reject the Comprehensive Test Ban Treaty now, rather than be subjected to endless political attacks until such time as the Treaty is once again placed on the Senate calendar.

DECISION BRIEF NO. 99–D 112

C.T.B.T. TRUTH OR CONSEQUENCES #6: HEED PAST AND PRESENT MILITARY OPPOSITION TO A ZERO-YIELD, PERMANENT TEST BAN

(Washington, D.C.): As the prospects for Senate rejection of the Comprehensive Test Ban Treaty (CTBT) on its merits have grown in recent days, the Treaty's proponents have become more reliant than ever on celebrity endorsements—especially those it has received for retired and serving senior military officers. Indeed, few advocates for the present, zero-yield, permanent test ban make their case for the CTBT without referring to the support it enjoys from past and present members of the Joint Chiefs of Staff, including a number of former JCS Chairmen (notably, Gen. Colin Powell).

Most recently, President Clinton declared in his Saturday radio address: ''So I say to the Senators who haven't endorsed [the CTBT], heed the best national security advice of our military leaders.'' The trouble is, the best national security advice of our military leaders is to reject this permanent, all-inclusive test ban, not approve it.

Which Advice?

Setting aside the singularly unimpressive job the serving Chairman, Gen. Hugh Shelton, has done in his advocacy for the CTBT—at his reconfirmation hearing a few weeks ago, his endorsement was unintelligible; on NBC's Meet the press on 10 October, he gave a statement of support for the Treaty that was more articulate, but wholly inappropriate to the question he was asked, not once but twice—fans of the CTBT should be careful in relying too heavily upon their favorite officers to sell this Treaty.

Consider, for example, statements that three of the most prominent of these officers—General Powell, Admiral William Crowe and General David Jones—during their respective stints as chairmen of the Joint Chief of Staff

General Colin Powell, 30 September 1991: [In response to a question by Senator Malcolm Wallop (R–Wy) as to how Gen. Powell would respond to a Soviet proposal to halt testing.] I would recommend to the Secretary and the President [that] it's a condition we couldn't meet. I would recommend against it. We need nuclear testing to ensure the safety, [and] surety of our nuclear stockpile. As long as one has nuclear weapons, you have to know what it is they will do, and so I would recommend continued testing.''

Gen. Powell, 1 December 1992: ''With respect to a comprehensive test ban, that has always been a fundamental policy goal of ours, but as long as we have nuclear weapons we have a responsibility for making sure that our stockpile remains safe. And to keep that stockpile safe, we have to conduct a limited number of nuclear tests to make sure we know what a nuclear weapon will actually do and how it is aging and to find out a lot of other physical characteristics with respect to nuclear phenomenon.

''So I would like ultimately to go to a comprehensive test ban, but I don't think we'll get there safely and reliably until we also get rid of nuclear weapons. As long as we have to conduct testing.''

Admiral William Crowe, 8 May 1986: [According to a contemporary press report] ''Admiral William Crow, Chairman of the Joint Chiefs of Staff, said a comprehensive test ban—which many members of Congress have urged President Reagan to negotiate with Moscow—would 'introduce elements of uncertainty that would be dangerous for all concerned.

''Given the pressure from lawmakers for conventional weapons testing, 'I frankly do not understand why Congress would want to suspend testing on one of the most critical and sophisticated elements of our nuclear deterrent—namely the warhead's he told the Senate Foreign Relations Committee.''

General David Jones per an Aviation Week article dated 29 May 1978: ''General David Jones, Chairman of the Joint Chief of Staff, told a Senate Armed Services Committee meeting last week that he could not recommend an indefinite zero-yield test ban.

''He added that it is not verifiable, and that the U.S. stockpile reliability could not be assured. Gen. Jones said he is concerned over asymmetries that could develop through an unverifiable agreement with the USSR. He told Senators he is not convinced by the safeguards he has seen to date, and that it would not be difficult to overcome them.''

Gen. Jones, according to a 27 May 1978 Washington Post article: Air Force Gen. David Jones, selected by [President] Carter to be chairman of the Joints chiefs, told the Senate Armed Services Committee at his recent confirmation hearing that ''I would have difficulty recommending a zero[-yield] test ban for an extended period.''

It falls to these individuals and those who are interested in their views to establish which position—their former ones opposing an open-ended, zero-yield test ban or their present ones endorsing it—actually reflect their ''best national security advice.'' Suffice it to say that when they actually held positions of responsibility, all three went on record in favor of continued testing. Will their serving counterpart and his fellow members of the JCS undergo a reverse transformation after leaving office, in which capacity they have endorsed the CTBT? If so, which view will represent their best professional military advice (i.e., advice not influenced by political judgments or considerations)?

Leading Retired Military Officers Oppose the CTBT

Senators would do well to consider the views of other distinguished retired military officers. For example, in an open letter to Senate Majority Leader Trent Lott dated 9 September, ten retired four-star combat commanders (Marine Corps Commandant Gen. Louis H. Wilson and Assistant Commandants Gens. Raymond G. Davis and Joseph J. Went; Commander-in-Chief Strategic Air Command Gen. Russell E. Dougherty; Supreme Allied Commander, Atlantic Adm. Wesley McDonald; Commander-in-Chief, U.S. Army, Europe Gen. Frederick J. Kroesen; Commander of U.S. Air Combat Command Gen. John M. Loh; Air Force Vice Chief of Staff Gen. Lawrence A. Skantze; Commander-in-Chief, Army Readiness Command Gen. Donn A. Starry; Commanding General, Army Material Command Gen. Louis C. Wagner, Jr.) joined more than forty other experienced civilian and retired military policy practitioners in opposition to the CTBT. They wrote, in part:

''We consider the Comprehensive Test Ban Treaty signed by President Clinton in 1996 to be inconsistent with vital U.S. national interests. We believe the Senate must reject the permanent ban on testing that this treaty would impose so long as the Nation depends upon nuclear deterrence to safeguard its security.''

Importantly, in a 5 October letter to Senate Armed Services Committee Chairman John Warner, one of the most highly regarded JCS Chairman in history, Gen. John Vessey, forcefully urged the Senate to reject the present CTBT. Highlight of Gen. Vessey's letter include the following:

''Supporters of the CTBT argue that it reduces the chances for nuclear proliferation. I applaud efforts to reduce the proliferation of nuclear weapons but I do not believe that the test ban will reduce the ability of rogue states to acquire nuclear weapons in sufficient quantities to upset regional stability in various parts of the world.''

''If the United States is to remain the preeminent nuclear power and maintain a modern, safe, secure, reliable and useable nuclear deterrent force, I believe we need to continue to develop new nuclear weapons designed to incorporate the latest in technology and to meet the changing security situation in the world. . . . The United States, the one nation most of the world looks to for securing peace in the world, should not deny itself the opportunity to test the bedrock building block of its security, its nuclear deterrence force, if conditions require testing.''

''I . . . believe that the more demonstrably modern and useable is our nuclear deterrent force, the less likely are we to need to use it, but we must have modern weapons, and we ought not deny ourselves the opportunity to test if we deem it necessary.

The Bottom Line

The case for the Clinton Comprehensive Test Ban Treaty fundamentally comes down to a question of ''confidence''—in the judgments of those who say that they are ''confident'' in the future viability of the U.S. deterrent or, alternatively, in the judgment of those who warn that history suggests such confidence is unwarranted in the absence of periodic, realistic underground testing.

It should, at a minimum, shake the confidence of Senators whose support for the Treaty rests substantially upon the endorsement of prominent retired military leaders that those leaders previously held a far more dire (not to say, realistic) view of the implications of such an accord for the U.S. deterrent and security.

[From the Center for Security Policy, Oct. 12, 1999]

DECISION BRIEF NO. 99–D 112

C.T.B.T. TRUTH OR CONSEQUENCES #7: REALISTIC EXPLOSIVE TESTING IS REQUIRED TO 'REMANUFACTURE' EXISTING NUCLEAR WEAPONS

(Washington, D.C.): One of the most pernicious misrepresentations being served up in recent days by the proponents of the Comprehensive Test Ban Treaty (CTBT) is the claim that the U.S. deterrent stockpile can be maintained for the indefinite future without further underground tests. Since they explicitly rule out modernization of the nuclear arsenal, however, the only way a stockpile comprised of weapons having the highest average age in history could possibly be preserved in a safe and reliable condition would be if existing weapons types were to be substantially (if not virtually completely) remanufactured.

While advocates of the zero-yield, permanent CTBT deny it, neither historical experience and common sense support the proposition that U.S. nuclear weapons—comprised as they are of as many as 6,000 exactingly manufactured parts, made of exotic and often dangerous materials and constantly exposed for years to high levels of radiation—will not undergo substantial changes over time. In fact as a result of such factors, former Assistant Secretary of Energy Victor Reis declared in congressional testimony in October 1997 that: ''Just about all the parts [of those obsolescing devices] are going to have to be remade.''

Why 'Remaking' of the Arsenal Cannot be Effected Without Testing

There a numerous, serious problems with undertaking such a program in the absence of nuclear testing. First, the production lines for building the stockpile's existing bombs and warheads were disassembled long ago. Reconstitution and recertifying them would take quite some time, would be very costly and probably won't be possible to effect with confidence absent realistic, explosive nuclear testing.

Second, it will not be possible to replicate some of the ingredients in weapons designed two decades or more ago; key components are technologically obsolete and no one would recommend using them when smaller, lighter, cheaper, more reliable and carcinogenic materials are now the state-of-the-art. In addition, federal safety and health guidelines prohibit the use of some of the materials utilized in the original designs.

Third, virtually everybody who was involved in designing and proving the original designs has left the industrial and laboratory complex, taking with them irreplaceable corporate memory that may spell the difference between success and failure in reproducing their handiwork.

An Authoritative Historical Review

These points were underscored in an authoritative report to Congress issued by the Lawrence Livermore National Laboratory in 1987. Among its relevant highlights are the following (emphasis added throughout):

''It has frequently been stated that non-nuclear and very-low yield (i.e., less than 1 kiloton) testing and computer stimulation would be adequate for maintaining a viable nuclear deterrent. A recent variant of this argument asserts that while such testing and computer stimulation may be insufficient for the development of new warheads, they would be adequate for indefinite maintenance of a stockpile of existing weapons. We believe that neither of these assertions can be substantiated.

''The major problem is that a nuclear explosive includes such a wide range of processes and scales that it is impossible to include all the relevant physics and engineering in sufficient detail to provide an accurate representation of the real world.''

''A final proof test at the specified low-temperature extreme of the W80 (Air-Launched Cruise Missile) was done as the weapon was ready for deployment. The test results were a complete surprise. The primary gave only a small fraction of its expected yield, insufficient to ignite the secondary.

''Our experience with the W80 illustrates the inadequacy of non-nuclear and low-yield testing and the need for full-scale nuclear tests to judge the effects of small changes. Even though it has been argued that such a ''thorough'' test should have occurred earlier, the critical point is that computer simulation, non-nuclear testing, and less-than-full-scale nuclear testing are not always sufficient to assess the effects of deterioration, changes in packaging, or environmental conditions on weapons performance.''

''Testing of newly produced stockpiled systems has shown a continuing need for nuclear tests. Even an ''identical'' rebuild should be checked in a nuclear test if we are to have confidence that all the inevitable, small and subtle differences from one production run to the other have not affected the nuclear performance. The current stockpile is extremely reliable, but only because continued nuclear testing at adequate yields has enabled us to properly assess and correct problems as they occur.''

''Although tests of a complex system are expensive and time-consuming, one is hard-put to find an example anywhere in U.S. industry where a major production line was reopened and requalified without tests. Exact replication, especially of older systems, is impossible. Material batches are never quite the same, some materials become unavailable, and equivalent materials are never exactly equivalent. Different people—not those who did the initial work—do the remanufacturing.

''Documentation has never been sufficiently exact to ensure replication. A perfect specification has never yet been written. We have never known enough about every detail to specify everything that may be important.

''Tests, even with the limitations of small numbers and possibly equivocal interpretation of results, are the final arbiters of the tradeoffs and judgments that have been made. We are concerned that, if responsible engineers and scientists were to refuse to certify a remanufactured weapon, pressures could produce individuals who would. The Challenger accident resulted from such a situation and highlights an all-too-common tendency of human nature to override judgment in favor of expediency.''

''Remanufacture of a nuclear warhead is often asserted to be a straightforward exercise in engineering and material science, and simply involves following well-established specifications to make identical copies. In the real world, however, there are many examples where weapon parts cannot be duplicated because of outmoded technologies, health hazards, unprofitable operations, out-of-business vendors, reproducible materials, lack of documentation, and myriad other reasons. . . . Not only must remanufacturing attempt to replicate the construction of the original weapon, it must also duplicate the performance of the original weapon.''

''It is important to emphasize that in weapon remanufacture we are dealing with a practical problem. Idealized proposals and statements that we 'should be able to remanufacture without testing because expertise is not essential' are a prescription for failure.''

The Bottom Line

Senators concerned about the Nation's ability to perform the needed modifications essential to any effort to ''remanufacture'' stockpiled weapon types should bear in mind a comment by one of the prominent scientists usually cited by CTBT proponents: Dr. Richard Garwin. In testimony before the Senate Foreign Relations Committee last week, Dr. Garwin declared: ''I oppose modifying our nuclear weapons under the moratorium or under the CTBT.''

Given historical experience and the scientific insights gleaned from it, no one who is serious about maintaining the U.S. deterrent for the indefinite future would argue that the existing inventory can be perpetuated without nuclear testing. Remanufactured weapons will have to be realistically tested, at least at low-yield levels, if we—and those we hope to deter—are to have confidence in their effectiveness.

[From the Center for Security Policy, Oct. 7, 1999]

SECURITY FORUM NO. 99–F 23

SIX SECRETARIES OF DEFENSE URGE DEFEAT OF C.T.B.T.

(Washington, D.C.): In an unprecedented public statement of opposition to a signed arms control agreement, six former Secretaries of Defense—one of whom, Dr. James R. Schlesinger was also (among other things) a Secretary of Energy in the Carter Administration—have written the Republican and Democratic leaders of the U.S. Senate urging the defeat of the Comprehensive Test Ban Treaty (CTBT).

This authoritative description of the CTBT's defects and the deleterious repercussions its ratification would have for America's nuclear deterrent should be required reading for every Senator and every other participant in what is shaping up to be a momentous debate over the Nation's future security posture. In particular, this letter—which clearly benefits from Dr. Schlesinger's vast experience as a former Chairman of the Atomic Energy Commission, former Director of Central Intelligence as well as a former Secretary of Defense and Energy (in the latter capacity, he was instrumental in dissuading President Carter from pursuing the sort of permanent, zero-yield CTBT that the incumbent President hopes to ratify)—does much to rebut the putative ''military'' arguments being made on behalf of this accord.

OCTOBER 6, 1999.

DEAR SENATORS LOTT AND DASCHLE: As the Senate weighs whether to approve the Comprehensive Test Ban Treaty (CTBT), we believe Senators will be obliged to focus on one dominant, inescapable result were it to be ratified: over the decades ahead, confidence in the reliability of our nuclear weapons stockpile would inevitably decline, thereby reducing the credibility of America's nuclear deterrent. Unlike previous efforts at a CTBT, this Treaty is intended to be of unlimited duration, and though ''nuclear weapon test explosion'' is undefined in the Treaty, by America's unilateral declaration the accord is ''zero-yield,'' meaning that all nuclear tests, even of the lowest yield, are permanently prohibited.

The nuclear weapons in our nation's arsenal are sophisticated devices, whose thousands of components must function together with split-second timing and scant margin for error. A nuclear weapon contains radioactive material, which in itself decays, and also changes the properties of other materials within the weapon. Over time, the components of our weapons corrode and deteriorate, and we lack experience predicting the effects of such aging on the safety and reliability of the weapons. The shelf life of U.S. nuclear weapons was expected to be some 20 years. In the past, the constant process of replacement and testing of new designs have some assurance that weapons in the arsenal would be both new and reliable. But under the CTBT, we would be vulnerable to the effects of aging because we could not test ''fixes'' of problems with existing warheads.

Remanufacturing components of existing weapons that have deteriorated also poses significant problems. Manufacturers go out of business, materials and production processes change, certain chemicals previously used in production are now forbidden under new environmental regulations, and so on. It is a certainty that new processes and materials—untested—will be used. Even more important, ultimately the nuclear ''pits'' will need to be replaced—and we will not be able to test those replacements. The upshot is that new defects may be introduced into the stockpile through remanufacture, and without testing we can never be certain that these replacement components will work as their predecessors did.

Another implication of the CTBT of unlimited duration is that over time we would gradually lose our pool of knowledgeable people with experience in nuclear weapons design and testing. Consider what would occur if the United States halted nuclear testing for 30 years. We would then be dependent on the judgment of personnel with no personal experience either in designing or testing nuclear weapons. In place of a learning curve, we would experience an extended unlearning curve.

Furthermore, major gaps exist in our scientific understanding of nuclear explosives. As President Bush noted in a report to Congress in January 1993, ''Of all U.S. nuclear weapons designs fielded since 1958, approximately one-third have required nuclear testing to resolve problems arising after deployment.'' We were discovering defects in our arsenal up until the moment when the current moratorium on U.S. testing was imposed in 1992. While we have uncovered similar defects since 1992, which in the past would gave let to testing, in the absence of testing, we are not able to test whether the ''fixes'' indeed work.

Indeed, the history of maintaining complex military hardware without testing demonstrates the pitfalls of such an approach. Prior to World War II, the Navy's torpedoes had not been adequately tested because of insufficient funds. It took nearly two years of war before we fully solved the problems that caused our torpedoes to routinely pass harmlessly under the target or to fail to explode on contact. For example, at the Battle of Midway, the U.S. launched 47 torpedo aircraft, without damaging a single Japanese ship. If not for our dive bombers, the U.S. would have lost the crucial naval battle of the Pacific war.

The Department of Energy has structured a program of experiments and computer simulations called the Stockpile Stewardship Program, that it hopes will allow our weapons to be maintained without testing. This program, which will not be mature for at least 10 years, will improve our scientific understanding of nuclear weapons and would likely mitigate the decline in our confidence in the safety and reliability of our arsenal. We will never know whether we should trust Stockpile Stewardship if we cannot conduct nuclear tests to calibrate the unproven new techniques. Mitigation is, of course, not the same as prevention. Over the decades, the erosion of confidence inevitably would be substantial.

The decline in confidence in our nuclear deterrent is particularly troublesome in light of the unique geopolitical role of the United States. The U.S. has a far-reaching foreign policy agenda and our forces are stationed around the globe. In addition, we have pledged to hold a nuclear umbrella over our NATO allies and Japan. Though we have abandoned chemical and biological weapons, we have threatened to retaliate with nuclear weapons to such an attack. In the Gulf War, such a threat was apparently sufficient to deter Iraq from using chemical weapons against American troops.

We also do not believe the CTBT will do much to prevent the spread of nuclear weapons. The motivation of rogue nations like

North Korea and Iraq to acquire nuclear weapons will not be affected by whether the U.S. tests. Similarly, the possession of nuclear weapons by nations like India, Pakistan, and Israel depends on the security environment in the region not by whether or not the U.S. tests. If confidence in the U.S. nuclear deterrent were to decline, countries that have relied on our protection could well feel compelled to seek nuclear capabilities of their own. Thus, ironically, the CTBT might cause additional nations to seek nuclear weapons.

Finally, it is impossible to verify a ban that extends to very low yields. The likelihood of cheating is high. ''Trust but verify'' should remain our guide. Tests with yields below 1 kiloton can both go undetected and be militarily useful to the testing state. Furthermore, a significantly larger explosion can go undetected—or mistaken for a conventional explosion used for mining or an earthquake—if the test if ''decoupled.'' Decoupling involves conducing the test in a large underground cavity and has been shown to dampen an explosion's seismic signature by a factor of up to 70. The U.S. demonstrated this capability in 1966 in two tests conducted in salt domes at Chilton, Mississippi.

We believe that these considerations render a permanent, zero-yield Comprehensive Test Ban Treaty incompatible with the Nation's international commitments and vital security interests and believe it does not deserve the Senate's advice and consent. Accordingly, we respectfully urge you and your colleagues to preserve the right of this nation to conduct nuclear tests necessary to the future of our nuclear deterrent by rejecting approval of the present CTBT.

Respectfully,

JAMES R. SCHLESINGER.
RICHARD B. CHENEY.
FRANK C. CARLUCCI.
CASPAR W. WEINBERGER.
DONALD H. RUMSFELD.
MELVIN R. LAIRD.

[From the Center for Security Policy, Oct. 7, 1999]

SECURITY FORUM

SENATOR LUGAR DELIVERS KISS-OF-DEATH TO CTBT

(Washington, DC): As the Senate prepares to open debate on the Comprehensive Test Ban Treaty (CTBT), arms control's preeminent Republican champion in the Senate, Sen. Richard Lugar (R–IN) has delivered what is surely the kiss-of-death for this accord. In a lengthy and detailed memorandum released today, Sen. Lugar declared ''I will vote against the ratification of the CTBT.''

The Senator's reasons for reaching what was clearly a wrenching decision are characteristically thoughtful and powerful explained in the following excerpts of his memorandum. The Center applauds Senator Lugar for his courageous leadership in this matter and commends his arguments to his colleagues—and to the American people on behalf of whose security they are made.

[Press Release from U.S. Senator Richard Lugar of Indiana, a Senior Member of the Senate Intelligence and Foreign Relations Committees and the Senate's National Security Working Group]

The Senate is poised to begin consideration of the Comprehensive Test Ban Treaty under a unanimous consent agreement that will provide for 14 hours of general debate, debate on two amendments, and a final vote on ratification. . . . In anticipation of the general debate, I will state my reasons for opposing ratification of the CTBT.

The goal of the CTBT is to ban all nuclear explosions worldwide: I do not believe it can succeed. I have little confidence that the verification and enforcement provisions will dissuade other nations from nuclear testing. Furthermore, I am concerned about our country's ability to maintain the integrity and safety of our own nuclear arsenal under the conditions of the treaty.

I am a strong advocate of effective and verifiable arms control agreements. As a former Vice-Chairman of the Senate Arms Control Observer Group and a member of the Foreign Relations Committee, I have had the privilege of managing Senate consideration of many arms control treaties and agreements.

* * * * *

I understand the impulse of the proponents of the CTBT to express U.S. leadership in another area of arms control. Inevitably, arms control treaties are accompanied by idealistic principles that envision a future in which international norms prevail over the threat of conflict between nations. However, while affirming our desire for international peace and stability, the U.S. Senate is charged with the constitutional responsibility of making hard judgments about the likely outcomes of treaties. This requires that we examine the treaties in close detail and calculate the consequences of ratification for the present and the future. Viewed in this context, I cannot support the treaty's ratification.

I do not believe that the CTBT is of the same caliber as the arms control treaties that have come before the Senate in recent decades. Its usefulness to the goal of nonproliferation is highly questionable. Its likely ineffectuality will risk undermining support and confidence in the concept of multilateral arms control. Even as a symbolic statement of our desire for a safer world, it is problematic because it would exacerbate risks and uncertainties related to the safety of our nuclear stockpile.

Stockpile Stewardship

The United States must maintain a reliable nuclear deterrent for the foreseeable future. Although the Cold War is over, significant threats to our country still exist. At present our nuclear capability provides a deterrent that is crucial to the safety of the American people and is relied upon as a safety umbrella by most countries around the world. One of the most critical issues under the CTBT would be that of ensuring the safety and reliability of our nuclear weapons stockpile without testing. The safe maintenance and storage of these weapons is a crucial concern. We cannot allow them to fall into disrepair or permit their safety to be called into question.

The Administration has proposed an ambitious program that would verify the safety and reliability of our weapons through computer modeling and simulations. Unfortuantely, the jury is still out on the Stockpile Stewardship Program. The last nine years have seen improvements, but the bottom line is that the Senate is being asked to trust the security of our country to a program that is unproven and unlikely to be fully operational until perhaps 2010. I believe a National Journal article, by James Kitfield, summed it up best by quoting a nuclear scientist who likens the challenge of maintaining the viability of our stockpile without testing to ''walking an obstacle course in the dark when your last glimpse of light was a flash of lightning back in 1992.''

The most likely problems facing our stockpile are a result of aging. This is a threat because nuclear materials and components degrade in unpredictable ways, in some cases causing weapons to fail. This is compounded by the fact that the U.S. currently has the oldest inventory in the history of our nuclear weapons programs.

Over the last forty years, a large percentage of the weapon designs in our stockpile have required post-deployment tests to resolve problems. Without these tests, not only would the problems have remained undetected, but they also would have gone unprepaired. The Congressional Research Service reported last year that: ''A problem with one warhead type can affect hundreds of thousands of individually deployed warheads; with only 9 types of warheads expected to be in the stockpile in 2000, compared to 30 in 1985, a single problem could affect a large fraction of the U.S. nuclear force.'' If we are to put our faith in a program other than testing to ensure the safety and reliability of our nuclear deterrent and thus our security, we must have complete faith in its efficacy. The Stockpile Stewardship Program falls well short of that standard.

The United States has chosen to re-manufacture our aging stockpile rather than creating and building new weapon designs. This could be a potential problem because many of the components and procedures used in original weapon designs no longer exist. New production procedures need to be developed and substituted for the originals, but we must ensure that the remanufactured weapons will work as designed.

I am concerned further by the fact that some of the weapons in our arsenal are not as safe as we could make them. Of the nine weapons designs currently in our arsenal, only one employs all of the most modern safety and security measures. Our nuclear weapons laboratories are unable to provide the American people with these protections because of the inability of the Stockpile Stewardship Program to completely mimic testing.

At present, I am not convinced the Stockpile Stewardship Program will permit our experts to maintain a credible deterrent in the absence of testing. Without a complete, effective, and proven Stockpile Stewardship program, the CTBT could erode our ability to discover and fix problems with the nuclear stockpile and to make safety improvements.

In fact, the most important debate on this issue may be an honest discussion of whether we should commence limited testing and continue such a program with consistency and certainty.

Verification

President Reagan's words ''trust but verify'' remain an important measuring stick of whether a treaty serves the national security interests of the United States. The U.S. must be confident of its ability to detect cheating among member states. While the exact thresholds are classified, it is commonly understood that the United States cannot detect nuclear explosions below a few kilotons of yield. The treaty's verification regime, which includes an international monitoring system and on-site inspections, was designed to fill the gaps in our national technical means. Unfortunately, the CTBT's verification regime will not be up to that task even if it is ever fully deployed.

Advances in mining technologies have enabled nations to smother nuclear tests, allowing them to conduct tests with little chance of being detected. Similarly, countries can utilize existing geologic formations to decouple their nuclear tests, thereby dramatically reducing the seismic signal produced and rendering the test undetectable. A recent Washington Post article points out that part of the problem of detecting suspected Russian tests at Novaya Zemlya is that the incidents take place in a large granite cave that has proven effective in muffling tests.

The verification regime is further bedeviled by the lack of a common definition of a

nuclear test. Russia believes hydro-nuclear activities and sub-critical experiments are permitted under the treaty. The U.S. believes sub-critical experiments are permitted but hydro-nuclear tests are not. Other states believe both are illegal. A common understanding or definition of what is and what is not permitted under the treaty has not been established.

Proponents point out that if the U.S. needs additional evidence to detect violations, on-site inspections can be requested. Unfortunately, the CTBT will utilize a red-light inspection process. Requests for on-site inspections must be approved by at least 30 affirmative votes of members of the Treaty's 51-member Executive Council. In other words, If the United States accused another country of carrying out a nuclear test, we could only get an inspection if 29 other nations concurred with our request. In addition, each country can declare a 50 square kilometer area of its territory as off limits to any inspections that are approved.

The CTBT stands in stark contrast to the Chemical Weapons Convention in the area of verifiability. Whereas the CTBT requires an affirmative vote of the Executive Council for an inspection to be approved, the CWC requires an affirmative vote to stop an inspection from proceeding. Furthermore, the CWC did not exclude large tracts of land from the inspection regime, as does the CTBT.

The CTBT's verification regime seems to be the embodiment of everything the United States has been fighting against in the UNSCOM inspection process in Iraq. We have rejected Iraq's position of choosing and approving the national origin of inspectors. In addition, the 50 square kilometer inspection-free zones could become analogous to the controversy over the inspections of Iraqi presidential palaces. The UNSCOM experience is one that is best not repeated under a CTBT.

Enforcement

Let me turn some enforcement concerns. Even if the United States were successful in utilizing the laborious verification regime and non-compliance was detected, the Treaty is almost powerless to respond. This treaty simply has no teeth. Arms control advocates need to reflect on the possible damage to the concept of arms control if we embrace a treaty that comes to be perceived as ineffectual. Arms control based only on a symbolic purpose can breed cynicism in the process and undercut support for more substantive and proven arms control measures.

The CTBT's answer to illegal nuclear testing is the possible implementation of sanctions. It is clear that this will not prove particularly compelling in the decision-making processes of foreign states intent on building nuclear weapons. For those countries seeking nuclear weapons, the perceived benefits in international stature and deterrence generally far outweigh the concern about sanctions that could be brought to bear by the international community.

Further, recent experience has demonstrated that enforcing effective multilateral sanctions against a country is extraordinarily difficult. Currently, the United States is struggling to maintain multilateral sanctions on Iraq, a country that openly seeks weapons of mass destruction and blatantly invaded and looted a neighboring nation, among other transgressions. If it is difficult to maintain the international will behind sanctions on an outlaw nation, how would we enforce sanctions against more responsible nations of greater commercial importance like India and Pakistan?

In particularly grave cases, the CTBT Executive Council can bring the issue to the attention of the United Nations. Unfortunately, this too would most likely prove ineffective, given that permanent members of the Security Council could veto any efforts to punish CTBT violators. Chances of a better result in the General Assembly are remote at best.

I believe the enforcement mechanisms of the CTBT provide little reason for countries to forego nuclear testing. Some of my friends respond to this charge by pointing out that even if the enforcement provisions of the treaty are ineffective, the treaty will impose new international norms for behavior. In this case, we have observed that ''norms'' have not been persuasive for North Korea, Iraq, Iran, India and Pakistan, the very countries whose actions we seek to influence through a CTBT.

If a country breaks the international norm embodied in the CTBT, that country has already broken the norm associated with the Non-Proliferation Treaty (NPT). Countries other than the recognized nuclear powers who attempt to test a weapon must first manufacture or obtain a weapon, which would constitute a violation of the NPT. I fail to see how an additional norm will deter a motivated nation from developing nuclear weapons after violating the long-standing norm of the NPT.

Conclusion

On Tuesday the Senate is scheduled to vote on the ratification of the CTBT. If this vote takes place, I believe the treaty should be defeated. The Administration has failed to make a case on why this treaty is in our national security interests.

The Senate is being asked to rely on an unfinished and unproven Stockpile Stewardship Program. This program might meet our needs in the future, but as yet, it is not close to doing so. The treaty is flawed with an ineffective verification regime and a practically nonexistent enforcement process.

For these reasons, I will vote against ratification of the CTBT.

[From the Center for Security Policy, Oct. 12, 1999]

SECURITY FORUM No. 99–F25

RICHARD PERLE DISCOUNTS ALLIES' OBJECTIONS TO SENATE REJECTION OF THE COMPREHENSIVE TEST BAN TREATY

(Washington, D.C.): In an op.ed. article slated for publication in a major British daily newspaper tomorrow, former Assistant Secretary of Defense Richard Perle puts in perspective recommendations made last week by the leaders of Britain, France and Germany that the Senate agree to the ratification of the Comprehensive Test Ban Treaty (CTBT). Mr. Perle—an accomplished security policy practitioner widely respected on both sides of the Atlantic and, indeed, around the world—powerfully argues that the objections heard from Messrs. Tony Blair, Jacques Chirac and Gerhard Schroeder in an op.ed. article published in the New York Times on 8 October should not dissuade the United States Senate for doing what American national security and interests dictate: defeating the CTBT.

PASSION'S SLAVE AND THE CTBT

(By Richard Perle)

Always generous with advice, a chorus of European officials has been urging the United States Senate to ratify the ''Comprehensive Test Ban Treaty.'' Last Friday, Tony Blair, Jacques Chirac and Gerhard Schroeder (BC&S for short) issued what Will Hutton, writing in the Observer, called ''a passionate appeal'' to the American Senator whose votes will decide whether the United States signs up to the fanciful conceit that the CTBT will halt the testing of nuclear weapons.

Advice giving is contagious, and Hutton has some of his own: to encourage the U.S. to ratify the CTBT, he urged Britain and France to phase out their nuclear weapons entirely—a suggestion they will passionately reject.

Now, the prospect of crowning the Western victory in the Cold War with a piece of international legislation that will stop the spread of nuclear weapons is certainly appealing. After all, a signature on a piece of paper would be a remarkably cheap and efficient way to keep nuclear weapons out of the hands of Kim Jong-il, Saddam Hussein and the other 44 regimes now deemed capable of developing nuclear weapons.

So what explains the need for passionate appeals from politicians and strident comment from leader writers? Why doesn't the Senate congratulate its friends on their wise and timely counsel and vote to ratify the treaty?

I suspect that one reason is the Senators—or at least the more responsible among them—have actually read the treaty and understand how deeply flawed it is, how unlikely it is to stop nuclear proliferation or even nuclear testing, and how it has the potential to leave the United States with an unsafe, unreliable nuclear deterrent.

Arms control agreements—especially ones affecting matters as sensitive as nuclear weapons—must be judged both in broad concept and in the details of their implementation. As a device for ending all nuclear tests, the CTBT fails on both counts.

It is characteristic of global agreements like the CTBT that they lump together, under a single set of constraints, states that can be counted upon to comply and those which intend either to find and use loopholes—the CTBT is full of them—or to cheat to defeat the constraints of the agreement. To make matters worse, states joining global conventions, even if they do so in bad faith, obtain the same treatment as those who join in order to advance the proper purposes of the agreement.

There can be little doubt that Indian participation in the ''atoms for peace program'' facilitated New Dehli's acquisition of nuclear weapons by legitimating the construction of a Canadian designed reactor from which India extracted the nuclear material to make its first bomb. We now know that Saddam Hussein made full use of the information provided by Iraqi inspectors on the staff of the International Atomic Energy Agency (set up to police the Non-Proliferation Treaty) to conceal his clandestine nuclear weapons program. With knowledge of the sources and methods by which the IAEA attempts to ferret out cheating, Iraqis ensconced there (by virtue of Iraq's having signed the NPT) were better able to circumvent treaty's essential purpose.

In domestic affairs, no one would seriously propose that the police and criminals come together and sign agreements according to which they accept the same set of constraints on their freedom of action. Yet that is the underlying logic of the CTBT: a compact among nation states, some of which are current or likely criminals, others—the majority—respectful of international law and their treaty obligations. Because there can be no realistic hope of verifying compliance with the DTBT, this fundamental flaw, which is characteristic of global agreements, is greatly magnified. The net result of ratification of the CTBT would be (a) American compliance, which could leave the U.S. uncertain about the safety and reliability of its nuclear deterrent; and (b) almost certain cheating by one or more rogue states determined to acquire nuclear weapons.

Among the leaders in Congress who have taken a keen interest in arms control is Senator Richard Lugar from Indiana, a senior

member of the Intelligence and Foreign Relations Committees. A frequent floor manager in favor of arms control legislation, he has supported every arms control treaty to come before the Senate and has often led the proponents in debate. Last week he announced that he would vote against ratification of the CTBT.

I would be willing to bet that Senator Lugar has spent more time studying this treaty than Blair, Chirac, Schroeder and Hutton combined—which may explain why his view of the treaty is one of reason and not passion. Senator Lugar opposes ratification—not because he shares my view that the treaty is conceptually flawed—but because he believes it cannot achieve its intended purpose but it could ''risk undermining support and confidence in the concept of multi-lateral arms control.''

Arguing that the CTBT is ''not of the same caliber as the arms control treaties that have come before the Senate in recent decades.'' Lugar concludes that the treaty's usefulness is ''highly questionable,'' and that it would ''exacerbate risks and uncertainties related to the safety of our nuclear stockpile.'' He rightly points to the treaty's ''ineffective verification regime'' and ''practically nonexistent enforcement process.''

Senator Lugar's careful, detailed assessment of the treaty contrasts sharply with the rugby cheering section coming from the London, Paris and Berlin offices of BC&S. Do BC&S know that the treaty actually lacks a definition of the term ''nuclear test?'' Rushed to completion before the 1996 Presidential election, Clinton abandoned in midstream an effort to negotiate a binding definition. Do they know that advances in mining technology permit tests to be smothered so they cannot be detected? Do they understand the composition and complexities of the U.S. nuclear stockpile or the importance of future testing to overcome any potential problems? Can they get beyond their passion?

''Give me that man/That is not passion's slave, and I will wear him/In my heart's core . . .'' Sound advice from Will (Shakespeare, not Hutton).

[From the Washington Times, Sept. 14, 1999]

THE COMPANY YOU KEEP

(By Frank Gaffney Jr.)

Today has been designated by proponents of the Comprehensive Test Ban Treaty (CTBT) to be the ''CTBT Day of Action.'' The plan apparently is to use this occasion to flex the muscles of the unreconstructed anti-nuclear movement with phone calls barraging the Capitol Hill switchboard, a demonstration on the Capitol grounds, Senate speeches and other agitation aimed at intimidating Majority Leader Trend Lott and Foreign Relations Chairman Jesse Helms into clearing the way for this treaty's ratification.

An insight into the strategy was offered last Friday by Sen. Byron Dorgan, North Dakota Democrat, who suggested in the colloquy with Mr. Lott that he intended to tie the Senate into knots if hearings and action on the CTBT's resolution of ratification were not promptly scheduled. The Majority leader responded by indicating he had already spoke to Sen. Helms about scheduling such hearings. He added portentously, however, that ''I cannot wait to hear how Jim Schlesinger describes the CTBT treaty. When he gets through damning it, they may not want more hearings.''

Mr. Dorgan responded: ''Mr. Schlesinger will be standing in a mighty small crowd. Most of the folks who are supporting this treaty are the folks who Sen. Lott and I have the greatest respect for who have served this country as Republicans and Democrats, and military policy analysts for three or four decades, going back to President Dwight D. Eisenhower.''

This, then, is how the fight over the Comprehensive Test Ban Treaty is shaping up. It will be one in which the pivotal block of senators—mostly Republicans but possibly including a number of ''New Democtats''—decide how they will vote less on the basis of the merits of this accord than on the company they will be keeping when they choose sides.

This is not an unreasonable response to a treaty that deals with a matter as complex as nuclear testing. Such testing is, after all, an exceedingly esoteric field, mostly science but with a fair measure of art thrown in. For the best part of the past 55 years, it has been recognized to be an indispensable methodology for ensuring the reliability, safety and effectiveness of America's nuclear deterrent.

Now, though, the Clinton administration would have us accept that it is no longer necessary, that our nuclear arsenal can continue to meet these exacting standards even if none of its weapons are tested via underground explosions ever again. This represents a stunning leap of logic (if not of faith), given the contrary argument made by many CTBT advocates in other contexts—notably, with respect to the F–22 and missile defenses. These weapons, we are told, cannot be tested enough; they should not be procured, let alone relied upon, the party line goes, unless and until the most exacting test requirements have been satisfied.

Whom is a senator to believe? The answer will not only determine his or her stance on the CTBT. It will also say a lot about the senator is question.

My guess—like Sen. Lott's—is that, at the end of the day, sufficient numbers of senators will be guided by James Schlesinger on a matter that threatens to propel the United States inexorably toward unilateral nuclear disarmament. Few people in the nation have more authority and credibility on this topic than he, the only man in history to have held the positions of chairman of the Atomic Energy Commission, director of central intelligence, secretary of defense and secretary of energy. Mr. Schlesinger's career has been made even more influential in the Senate by virtue of his service in both Republican and Democratic Cabinets.

Then there are the 50 or so senior security policy practitioners who last week wrote Mr. Lott an open letter advising him that ''the nation must retain an arsenal comprising modern, safe and reliable nuclear weapons, and the scientific and industrial base necessary to ensure the availability of such weapons over the long term. In our professional judgment, the zero-yield Comprehensive Test Ban Treaty is incompatible with these requirements and, therefore, is inconsistent with America's national security interests.

Among the many distinguished signatories of this letter are: former U.N. Ambassador Jeane Kirkpatrick; two of President Reagan's National Security Advisers (Richard Allen and William Clark); former Attorney General Edwin Meese; and 10 retired four-star generals and admirals (including the former commandant of the Marine Corps, Gen. Louis Wilson). When these sorts of men and women challenge the zero-yield CTBT, as Mr. Schlesinger has done, on the grounds it will contribute to the steady erosion of our deterrent, will be impossible to verify and will make no appreciable contribution to slowing proliferation, responsible senators cannot help but be concerned.

To be sure, the Clinton administration and its arms control allies have generated their own letters offering ''celebrity'' endorsements of the CTBT. Senators weighing these endorsements, however, would be well-advised to consider the following, obviously unrehearsed statement of support for the Treaty given by one such prominent figure—the serving chairman of the Joint Chiefs of Staff, Gen. Hugh Shelton. It came last week in a congressional hearing in response to a softball question from Sen. Carl Levin, Michigan Democrat, about why Gen. Shelton thought the CTBT is in our national interest. The chairman responded by saying:

''Sir, I think from the standpoint of the holding back on the development of the testing which leads to wanting a better system, developing new capabilities, which then leads you into arms sales or into proliferation. Stopping that as early as we can, I think, is in the best interest of the international community in general, and specifically in the best interest of the United States.''

Stripped of the veneer of this sort of support, the zero-yield Comprehensive Test Ban can be seen for what it is: the product primarily of the decades-long agitation of the looney left who, in their efforts to ''disarm the ones they're with,'' have made themselves the kind of company few thoughtful senators should want to keep—on CTBT Day of Action or when the votes on this treaty ultimately get counted.

[From the Investor's Business Daily, Sept. 13, 1999]

TEST BAN OR UNILATERAL DISARMAMENT TREATY?

(By Frank J. Gaffney Jr.)

The utopians in the Clinton camp have set their sights on another nuclear weapons treaty. It's not designed to preserve U.S. military capability, but rather to disarm it.

A major campaign is on to press the U.S. Senate to approve ratification of the controversial arms control accord, the Comprehensive Test Ban Treaty (CTBT). It's intended to ban permanently all nuclear weapons tests.

For the better part of 50 years, such testing has been relied upon by successive Republican and Democratic administrations to assure the safety, reliability and effectiveness of the nation's nuclear deterrent.

Now we are told by the Clinton team and its allies that our arsenal will be able to continue to meet this exacting standard for the indefinite future without conducting another underground detonation.

What is extraordinary is that the claim is being made by many of the same people who regularly rail that the Pentagon is not doing enough to test its weapons systems to ensure that they will perform as advertised.

For example, such critics challenge the realism of the two successful intercepts recently achieved by the Theater High Altitude Area Defense missile defense system. Then there is the complaint that too much computer modeling and too little rigorous pre-production testing has been done to permit further procurement of the Air Force's impressive next-generation fighter, the F–22.

So one might ask of CTBT proponents: Which is it going to be? Can we settle for computer modeling and simulations? Or is realistic testing essential if we are to trust our security and tax dollars to sophisticated weaponry?

Their answer? It depends: As long as the CTBT remains unratified, the administration position seems likely to remain that we can rely upon the current nuclear inventory, and simulations will assure their reliability. But simulations won't allow us to develop new weapons.

Thus, it would be hard to modernize the inventory as strategic circumstances change.

For instance, how could we know if a new, deep-penetrating warhead will take out a hardened underground bunker if we can't test it?

Should the Senate give its advice and consent to this accord, however, that line seems sure to change. Then the CTBT's proponents will revert to form, free to acknowledge the obvious: The existing stockpile—comprised increasingly obsolescing weapons—cannot be maintained without testing, either. So by their logic, the next move would be to just retire all the weapons.

Consider the October 1997 congressional testimony of then-Assistant Secretary of Energy for Defense Programs Victor Reis: ''Just about all the parts of our present nuclear weapons) are going to have to be remade.'' No responsible scientists could promise, in the absence of explosive testing, that completely remanufactured thermonuclear devices will work as advertised. And no one will be arguing that point more vociferously than the antinuclear activists who are pushing the CTBT.

When challenged on this score, the White House blithely asserts it is pursuing a $40 billion Stockpile Stewardship Program (SSP) to address such quality-control issues down the road.

Unfortunately, this capability will materialize—if at all—a long way down the road. It will take some 10 years to construct new facilities to house the various exotic experimental diagnostic technologies that are supposed to provide the same confidence about the performance of our nuclear stockpile as does nuclear testing.

Plus, no one knows for sure whether the SSP will actually pan out. Even before the CTBT is ratified, many of the treaty's supporters are urging Congress to delete the billions being sought each year for Lawrence Livermore Laboratory's National Ignition Facility and its counterpart facilities at the other nuclear labs.

Even if properly funded and brought on line as scheduled, though, it is unclear that the simulations provided by these experimental devices will be as accurate as underground detonations. And, of course, a test ban will preclude the one scientifically rigorous way of proving the simulations' accuracy.

The bottom line is that U.S. national security demands that we filed nothing but systematically and rigorously tested military systems, both conventional and nuclear. To be sure, computer simulations can contribute significantly to reducing the cost and the length of time it takes to develop and deploy such weapons. But we cannot afford to let any weapon—least of all the most important ones in our arsenal, our nuclear deterrent—go untested and unproven.

[From the Worldwide Weekly Defense News, Sept. 27, 1999]

TRUTH ABOUT NUCLEAR TESTING WOULD SINK TEST BAN TREATY

(By Frank Gaffney)

In the course of a Sept. 9 hearing before the U.S. Senate Armed Services Committee called to consider the nomination of Gen. Hugh Shelton to a second term as chairman of the Joint Chiefs of Staff, Sen. Carl Levin (D–Mich.) asked the general to explain why the Comprehensive Test Ban Treaty (CTBT) was in the national interest.

He responded in a halting, almost tortured fashion, saying: ''Sir, I think from the standpoint of the holding back on the development of the testing which leads to wanting a better system, developing new capabilities, which then leads you into arms sales or into proliferation. Stopping that as early as we can, I think, is in the best interest of the international community in general, and specifically in the best interest of the United States.''

Translation: Unless my staff gives me a written text, I can't begin to explain the logic of this arms control agreement, which would make it permanently illegal to test any U.S. nuclear weapons, even though we are going to rely upon such arms as the ultimate guarantor of our security for the foreseeable future. Still, the party line is that we support this treaty and I am going to do so, no matter what.

The administration of President Bill Clinton established in 1993, long before Shelton became Joint Chiefs chairman, that there would be no further testing of U.S. nuclear weapons, with or without a CTBT.

The general inherited a position adopted on his predecessor's watch and with the latter's support that would be politically costly at this late date to repudiate. The fact remains, however, that the idea of trying to ban all nuclear tests (the so-called zero-yield test ban) was opposed by the Joint Chiefs of Staff, among other relevant U.S. government agencies, before Clinton decided to embrace it.

The reason the U.S. military counseled against such an accord was elementary: It is widely understood that a zero-yield treaty cannot be verified. Other countries can, and must be expected to, exploit the inability of U.S. national technical means and international seismic monitors to detect covert, low-yield underground tests.

Since the United States would scrupulously adhere to a zero-yield ban, it would be enjoined from conducting experimental detonations necessary to maintaining the safety and reliability of its nuclear deterrent.

U.S. military leaders are not expected to be experts on nuclear nonproliferation or arms control. The government hires lots of other people to do those jobs. Unfortunately, many of the policy-makers responsible for those portfolios lack the integrity or common sense one expects of men and women in uniform, hence their claims that the CTBT will contribute to curbing the spread of nuclear weapons.

This is, of course, fatuous nonsense in a world in which a number of countries have acquired such weaponry without conducting known nuclear tests, and others seek to buy proven nuclear devices or the necessary know-how and equipment from willing sellers in Russia, China and Pakistan.

Neither should the leadership of the American armed forces be seen as adjuncts to an administration's political operation. Rather, what is expected from such leaders is their best professional military judgment, the unvarnished truth, no matter how politically incorrect or inconvenient it may be.

The United States cannot afford to allow its nuclear arsenal to continue to go untested (it has already been seven years since the last underground detonation occurred) any more than it could permit its national security to depend on untested conventional planes, tanks, missiles or ships.

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[From the Washington Post, Sept. 10, 1999]

A TEST BAN THAT DISARMS US

When it comes to nuclear testing, nations will act in their perceived self-interest.

(By Charles Krauthammer)

Some debates just never go away. The Clinton administration is back again pressing Congress for passage of the Comprehensive Test Ban Treaty (CTBT). This is part of a final-legacy push that includes a Middle East peace for just-in-time delivery by September 2000.

The argument for the test ban is that it will prevent nuclear proliferation. If countries cannot test nukes, they will not build them because they won't know if they work. Ratifying the CTBT is supposed to close the testing option for would-be nuclear powers.

We sign. They desist, How exactly does this work?

As a Washington Post editorial explains, one of the ways to ''induce would-be proliferators to get off the nuclear track'' is ''if the nuclear powers showed themselves ready to accept some increasing part of the discipline they are calling on non-nuclear others to accept.'' The power of example of the greatest nuclear country is expected to induce other countries to follow suit.

History has not been kind to this argument. The most dramatic counterexamples, of course, are rogue states such as North Korea, Iraq and Iran. They don't sign treaties and, even when they do, they set out to break them clandestinely from the first day. Moral suasion does not sway them.

More interesting is the case of friendly countries such as India and Pakistan. They are exactly the kind of countries whose nuclear ambitions the American example of restraint is supposed to mollify.

Well, then. The United States has not exploded a nuclear bomb either above or below ground since 1992. In 1993, President Clinton made it official by declaring a total moratorium on U.S. testing. Then last year, India and Pakistan went ahead and exploded a series of nuclear bombs. So much for moral suasion. Why did they do it? Because of this obvious, if inconvenient, truth: Nuclear weapons are the supreme military asset. Not that they necessarily will be used in warfare. But their very possession transforms the geopolitical status of the possessor. The possessor acquires not just aggressive power but, even more important, a deterrent capacity as well.

Ask yourself: Would we have launched the Persian Gulf War if Iraq had been bristling with nukes?

This truth is easy for Americans to forget because we have so much conventional strength that our nuclear forces appear superfluous, even vestigial. Lesser countries, however, recognize the political and diplomatic power conveyed by nuclear weapons.

They want the nuclear option. For good reason. And they will not forgo it because they are moved by the moral example of the United States. Nations follow their interests, not norms.

Okay, say the test ban advocates. If not swayed by American example, they will be swayed by the penalties for breaking an international norm.

What penalties? China exploded test after test until it had satisfied itself that its arsenal was in good shape, then quit in 1996. India and Pakistan broke the norm on nuclear testing and nonproliferation. North Korea openly flouted the Nuclear Non-Proliferation Treaty.

Were any of these countries sanctioned? North Korea was actually rewarded with enormous diplomatic and financial inducements—including billions of dollars in fuel and food aid—to act nice. India and Pakistan got slapped on the wrist for a couple of months.

That's it. Why? Because these countries are either too important (India) or too scary (North Korea). Despite our pretensions, for America too, interests trump norms.

Whether the United States signs a ban on nuclear testing will not affect the course of proliferation. But it will affect the nuclear status of the United States.

In the absence of testing, the American nuclear arsenal, the most sophisticated on the globe and thus the most in need of testing to

ensure its safety and reliability, will degrade over time. As its reliability declines, it becomes unusable. For the United States, the unintended effect of a test ban is gradual disarmament.

Well, maybe not so unintended. For the more extreme advocates of the test ban, nonproliferation is the ostensible argument, but disarmament is the real objective. The Ban the Bomb and Nuclear Freeze movements have been discredited by history, but their adherents have found a back door. A nuclear test ban is that door. For them, the test ban is part of a larger movement: the war against weapons. It finds expression in such touching and useless exercises as the land mine convention, the biological weapons convention, etc.

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[From the Washington Post, June 7, 1998]

PAPER DEFENSE

(By George F. Will)

In the meadow of the president's mind, in the untended portion where foreign policy thoughts sprout randomly, this flower recently bloomed concerning the Indian and Pakistani nuclear tests: ''I cannot believe that we are about to start the 21st century by having the Indian subcontinent repeat the worst mistakes of the 20th century.''

What mistakes did he mean? Having nuclear weapons? Were it not for them, scores of thousands of Americans would have died in 1945 ending the fighting in the Pacific. And nuclear weapons were indispensable ingredients of the containment of the Soviet Union and its enormous conventional forces.

Perhaps the president meant that arms competitions were the ''mistakes.'' But that thought does not rise to the level of adult commentary on the real historical contingencies and choices of nations.

This president's utterances on foreign policy often are audible chaff, and not even his glandular activities are as embarrassing as his sub-sophomoric pronouncement to India and Pakistan that ''two wrongs don't make a right.'' That bromide was offered to nations weighing what they consider questions of national life and death.

U.S. policy regarding such tests has been put on automatic pilot by Congress's itch to micromanage and to mandate cathartic gestures, so the United States will now evenhandedly punish with economic sanctions India for its provocation and Pakistan for responding to it. Because India is stronger economically, the sanctions will be disproportionately injurious to Pakistan.

India has an enormous advantage over Pakistan in conventional military forces. (It has the world's fourth largest military establishment, although China's army is three times larger than India's.) That is one reason Pakistan believes it needs nuclear weapons. Economic sanctions will further weaken Pakistan's ability to rely on non-nuclear means of defense.

This should be a moment for Republicans to reassert their interest in national security issues, one of the few areas in which the public still regards them as more reassuring than Democrats. But the Republican who could be particularly exemplary, isn't. Arizona Sen. John McCain says the first thing to do is impose ''sanctions which hurt'' and the second is ''to get agreements that they will not test again.''

So, automatic sanctions having failed to deter either nation, Washington's attention turns, robotically, to an even more futile ritual—the superstition of arms control, specifically the Comprehensive Test Ban Treaty, which the United States signed in 1996, but which the Senate has prudently not ratified. The designation ''superstition'' fits because the faith of believers in arms control is more than impervious to evidence; their faith is strengthened even by evidence that actually refutes it.

Far from demonstrating the urgency of ratification, India's and Pakistan's tests demonstrate the CTBT's irrelevance. India had not tested since 1974. Pakistan evidently had never tested. Yet both had sufficient stockpiles to perform multiple tests. So the tests did not create new sabers, they were the rattling of sabers known to have existed for years. Indeed, in 1990, when fighting in the disputed territory of Kashmir coincided with Indian military exercises, the Bush administration assumed that both Pakistan and India had built weapons with their nuclear technologies and worried about a possible nuclear exchange.

The nonproliferation treaty authorizes international inspections only at sites declared to be nuclear facilities. Nations have been known to fib. The CTBT sets such a low-yield standard of what constitutes a test of a nuclear device, that verification is impossible.

Various of the president's policies, whether shaped by corruption, in competence of naivete, have enabled China to increase the lethality of its ICBMs. The president and his party are committed to keeping America vulnerable to such weapons: 41 senators, all Democrats, have filibustered legislation sponsored by Sens. Thad Cochran (R-Miss.) and Daniel Inouye (D-Hawaii) declaring it U.S. policy ''to deploy effective anti-missile defenses of the territory of the United States as soon as technologically possible.''

Instead, the administration would defend the nation with parchment—gestures like the CTBT, which is a distillation of liberalism's foreign policy of let's pretend. Let's pretend that if we forever forswear tests, other nations' admiration will move them to emulation. Diagnostic tests are indispensable for maintaining the safety and reliability of the aging U.S. deterrent inventory. So the CTBT is a recipe for slow-motion denuclearization. But let's pretend that if we become weaker, other nations will not want to become stronger.

Seeking a safer world by means of a weaker America and seeking to make America safe behind the parchment walls of arms control agreements, is to start the 21st century by repeating the worst fallacies of the 20th century.

[From the Wall Street Journal, Oct. 12, 1999]

. . . WOULD BE EVEN WORSE IF IT SUCCEEDED

(By Kathleen Bailey)

It appears the Senate will either vote down the Comprehensive Test Ban Treaty or postpone a vote indefinitely. The treaty's supporters, led by President Clinton, argue that the CTBT is necessary to constrain nations that seek to acquire a workable nuclear weapons design. But the treaty would accomplish none of its proponents' nonproliferation goals. It would, however, seriously degrade the U.S. nuclear deterrent.

No treaty can stop a nation from designing and building a simple nuclear weapon with confidence that it will work. To do so doesn't require testing. One of the U.S. bombs dropped on Japan in 1945 was of a design that had never been tested, and South Africa built six nuclear weapons without testing.

By contrast, the U.S. today needs to test its nuclear weapons because they are more complex. They are designed to make pinpoint strikes against small targets such as silos. This dictates high-performance delivery systems, which, in turn, requires tight parameters on the allowable weight, size, shape, safety measures and yield.

Today's would-be proliferators are likely to target cities, not silos. The delivery vehicles may be ships, barges, trucks or Scud-type missiles. The exact yield of the weapon will not matter, and there will be no tight restrictions imposed by advanced delivery systems. Safety standards will not be a crucial issue.

CTBT proponents also contend that the treaty will promote nonproliferation by creating an international norm against nuclear weapons. But there is already a norm against additional nations acquiring nuclear weapons: the Nuclear Nonproliferation Treaty, signed by every major country except India, Israel and Pakistan.

The NPT norm against the pursuit of nuclear weapons, established when the treaty went into effect in 1970, has been broken repeatedly, and not just by the three countries that refused to sign it. The list of states that have broken or are thought to have broken the norm includes Argentina, Brazil, Iran, Iraq, North Korea, South Africa, South Korea and Taiwan.

It is true, as treaty proponents argue, that the CTBT will inhibit nuclear-weapons modernization. But this is not a plus. It would keep the U.S. from modernizing its nuclear arsenal to make it as safe as possible. Already there are new safety measures that could be incorporated into the American stockpile, making it less likely that weapons will explode accidentally—but the U.S. is not incorporating these new safety technologies because they would require low-yield nuclear testing.

Modernization is also needed to make U.S. weapons more effective against the ever-evolving countermeasures by opponents. We know that deeply buried targets are a new problem, as are biological weapons. America may need to tailor its arsenal to a totally different type of targets in the future, which would require nuclear testing.

While the treaty would inhibit U.S. modernization, it would not affect those that choose to cheat. It would be easy for Russia, China, and others to conduct nuclear tests without being detected. This is because the CTBT is not even minimally verifiable.

Effective verification entails having high confidence that militarily significant cheating will be detected in a timely manner. In the case of the CTBT, we need to know the answers to two questions: What yield nuclear test can provide militarily significant information? Can the CTBT verification system detect to that level?

Five hundred tons of yield is a very useful testing level, although not sufficient to gain full confidence in all aspects of an existing weapon's performance or to develop sophisticated new nuclear weapons. The latter goals could be achieved for most designs with tests at yields between one and 10 kilotons. Tests at levels as low as 500 tons may be militarily significant.

The International Monitoring System of the CTBT is expected to provide the ability to detect, locate and identify non evasive nuclear testing of one kiloton or greater. But most cheaters are likely to be evasive. By taking some relatively simple measures, they could test several kilotons with little risks of detection. One method by which they may do so is through energy decoupling—detonation of the device underground—that can reduce the seismic signal by as much as a factor of 70. Thus, a fully decoupled one-kiloton explosion would look seismically like at 14-ton explosion, or a 10-kiloton explosion like a 140-ton one.

On-site inspection will not solve the verification problem. Even if we knew that a test would conducted, we almost certainly would not know exactly where it took place. Without knowing the precise location, the search area would be too large for a meaningful inspection.

If the Senate ratified the CTBT, it's certain that the U.S. would comply with it, foreclosing America's ability to modernize its nuclear forces. But other nations have a history of noncompliance with arms-control treaties. Thus the limited political benefits of the CTBT are not worth the high cost to America's national security.

[From The New Republic, October 25, 1999]

THE FLAWED TEST BAN TREATY—POOR PACT

(By Frank J. Gaffney Jr.)

If current vote-counts prove accurate and no last-minute postponement is agreed to, the Senate will not provide the two-thirds support necessary to ratify the Comprehensive Test Ban Treaty (CTBT). Although the Clinton administration acts as if this would be disastrous for the struggle against nuclear proliferation, defeat of the CTBT would actually be a victory for American national security.

As the administration has implicitly conceded by sending Energy Secretary Bill Richardson on a last-minute trip to Russia to negotiate better verification procedures, many senators harbor deep concerns about the treaty's verifiability. They are right to do so. U.S. intelligence suspects (but cannot prove) that both the Russians and the Chinese have conducted covert nuclear tests in recent months. In fact, it is impossible to verify a total, or ''zero-yield,'' ban on all nuclear testing, since foreign monitors cannot reliably differentiate covert low-yield explosions from earthquakes or conventional explosions.

This would be true even if the sort of worldwide seismic monitoring system to be established under the CTBT (thanks largely to the administration's decision to put U.S. intelligence assets at the service of a multilateral organization) were in place. For political, if not technical, reasons, the data compiled by the ''international community'' will probably be even less conducive to a finding of noncompliance than the iffy information the United States often gets on its own.

Treaty proponents point to the CTBT's provision for on-site inspections. Such inspections are far from automatic and can be stymied by U.N. Security Council members determined to block them. If nations exploit well-understood techniques for muffling the seismic shocks that such events precipitate (''decoupling''), they can increase the yield of their tests without getting caught—as the United States proved in its own 1960 experiment.

Even if the CTBT were fully verifiable, it would be irrelevant to the proliferation of nuclear weapons. Explosive testing is simply no longer the sine qua non of a nuclear development and acquisition program. From Israel to North Korea, countries have acquired atomic devices without conducting identified nuclear tests. (Pakistan and India conducted their recent tests for political, not technological, reasons, and the tests took place years after each of them had gotten the bomb.) Even Clinton's CTBT point man, National Security Council staffer Steve Andreason, has publicly stated that this treaty will not prevent countries from obtaining ''simple'' weapons—which can be all too useful for terrorism and blackmail.

While the CTBT will not have the benefits the administration claims, it will cost the United States dearly by making it impossible to maintain the U.S. nuclear deterrent over time. That will be the practical and ineluctable effect of denying those responsible for ensuring the safety, reliability, and effectiveness of this deterrent the tool that they have relied upon for the vast majority of the past 55 years: realistic, explosive testing. The exceedingly sophisticated nuclear weapons in the U.S. arsenal cannot prudently be kept ''on the shelf'' indefinitely. The current average age of these weapons is 14 years; they were only designed to be in service for 20. And none were planned or manufactured to remain viable in a no-test environment.

Indeed, experience suggests that problems with the nuclear deterrent probably exist already, going undetected ever since Congress voted to adopt a testing cutoff in 1992. On his last day in office, President Bush formally appealed for relief from this legislation, warning that ''the requirement to maintain and improve the safety of our nuclear stockpile and to evaluate and maintain the reliability of the U.S. forces necessitates continued nuclear testing for those purposes, albeit at a modest level, for the foreseeable future.'' Although President Clinton tends to dissemble on this point, every administration until his recognized that periodic underground testing—at least at low levels of explosive ''yield''—was necessary to detect and fix problems that unexpectedly, but chronically, appear even in relatively new weapons. Hence, no other president since World War II was prepared to accept the sort of permanent, zero-yield ban Clinton has embraced.

Moreover, the older the weapon, the more problematic it becomes to certify its safety and reliability through computer simulations alone. As complex nuclear arms age, their exotic metals, chemicals, and highly radioactive materials undergo changes that are exceedingly difficult to predict and model via computer methods. At a minimum, if such weapons are to be retained for the foreseeable future, they must be updated. As then-Assistant Secretary of Energy for Defense Programs Victor Reis told Congress in October 1997, ''Just about all the parts [of the current arsenal's weapons] are going to have to be remade.''

There are serious challenges to such a wholesale refurbishing program that even new experimental devices such as those being developed under the administration's more than $45 billion Stockpile Stewardship Program will not be able to address with certainty, at least not for the next decade or so. First, the production lines for building the stockpile's existing bombs and warheads were dismantled long ago. Reconstituting them would require a lot of time and money. And, even if the original designs could be faithfully replicated, one could never be certain they would work according to their specifications without realistic, explosive testing to validate the product.

Second, it is impossible to replicate some of the ingredients in weapons designed two decades ago or earlier; key components have become technologically obsolete, and no one would recommend using them when smaller, lighter, cheaper, and more reliable materials and equipment are now readily available. In addition, federal safety and health guidelines now prohibit the use of some of the components utilized in the original designs.

Third, most of those who were involved in designing and proving these weapons have left the industrial and laboratory complex, taking with them irreplaceable corporate memory. With continuing nuclear testing, all these problems could presumably be overcome. Without such testing, the United States will be able neither to modernize its nuclear arsenal to meet future deterrent requirements nor to retain the high confidence it requires in the older weapons upon which it would then have to rely for the foreseeable future.

It is precisely for these reasons that the CTBT has been, to use Clinton's phrase, the ''longest-sought, hardest-fought'' goal of the anti-nuclear movement. Fortunately, more than 34 senators have figured out that, were it to be ratified, the CTBT would set the United States on the slippery slope to unilateral nuclear disarmament. Whenever the votes are finally tallied on this accord, will the ''nays'' include any of the Senate's self-described New Democrats—whose partisans brought Clinton and Al Gore to power on a platform that prominently featured a more tough-minded approach to national security and defense issues?

[From the Washington Times, Oct. 12, 1999]

TIME FOR A CTBT VOTE

(By Frank Gaffney, Jr.)

In 23 years of working on nuclear weapons policy and related arms control matters, I have never seen anything like what happened last Thursday. That was the day Sen. Richard Lugar, Indiana Republican, released a six-page press release detailing the myriad and compelling reasons that would cause him to vote against the Comprehensive Test Ban Treaty (CTBT).

What makes this development so extraordinary, of course, is that Dick Lugar has an unparalleled reputation in Washington for his commitment to arms control in particular and his willingness more generally to rise above politics in the interest of lending bipartisan heft to foreign policy initiatives he believes to be in the national interest. With apologies to the Smith Barney marketeers, when Mr. Lugar speaks on treaties, people listen.

Rarely has it been more important that his Senate colleagues do so. Indeed, the Indiana senator has offered a critique of the CTBT that should be required reading for anyone being asked to vote on this treaty. He summarizes the reasons why he will vote against this treaty as follows:

The goal of the Comprehensive Test Ban Treaty is to ban all nuclear explosions worldwide: I do not believe it can succeed. I have little confidence that the verification and enforcement provisions will dissuade other nations from nuclear testing. Furthermore, I am concerned about our country's ability to maintain the integrity and safety of our own nuclear arsenal under the conditions of the treaty.

The impact of so withering an assessment—backed up by pages of painstaking analysis—was evident on Sunday as syndicated columnist George Will accomplished the intellectual equivalent of rope-a-dope in an interview with Secretary of State Madeleine Albright on ABC News' ''This Week'' program. Mrs. Albright was reduced to sputtering as Mr. Will read from one section of Sen. Lugar's indictment after another, unable either to challenge the authority of the indicter or effectively to rebut his damning conclusions.

Instead, she worked rather tendentiously and unconvincingly through her talking points about how Senate opposition to the CTBT signals that ''We are not as serious about controlling nuclear weapons as we should be.'' Nonsense. To the contrary, the opposition to this treaty can be justified as much on its adverse impact on ''serious'' efforts to control nuclear weapons as on the fact it will undermine the U.S. nuclear deterrent. As Sen. Lugar put it:

''I do not believe that the CTBT is of the same caliber as the arms control treaties that have come before the Senate in recent decades. Its usefulness to the goal of nonproliferation is highly questionable. Its likely ineffectuality will risk undermining support [for] and confidence in the concept of multilateral arms control. Even as a symbolic statement of our desire for a safer world, it is problematic because it would exacerbate risks and uncertainties related to the safety of our nuclear stockpile.''

In short, by making it clear the Comprehensive Test Ban Treaty is incompatible with U.S. national security requirements and bad for arms control, Richard Lugar has delivered the kiss-of-death to the CTBT. Without his support, it is inconceivable that a two-thirds majority could be found in the Senate to permit ratification of this accord.

The question that occurs now is: Since the CTBT is so fatally flawed and so injurious, will the Senate's Republican majority agree to let it continue to bind the United States for the foreseeable future? That would be the practical effect of exercising the option a number of GOP senators (including, it must be noted, Mr. Lugar) hope President Clinton will allow them to exercise—unscheduling the vote this week and deferring further Senate action on the Comprehensive Test Ban until after the 2000 elections, at the earliest.

Under international law, that would mean only one thing: Until such time as our government makes it clear the CTBT will not be ratified, the United States will be obligated to take no action that would defeat the ''object and purpose'' of the CTBT. This would mean not only no resumption of testing. Under the Clinton administration, there will certainly be no preparations to conduct explosive tests either—or even actions to stop the steady, lethal erosion of the nation's technical and human capabilities needed to do so.

If national security considerations alone were not sufficiently compelling to prompt the Senate leadership to stay the course and defeat the treaty, the conduct of the president and his surrogates should be sufficient inducement. After all, administration spokesmen are using every available platform to denounce Republicans for playing ''political'' games with this treaty. (Never mind that the president and every one of his allies on CTBT in the Senate had a chance to reject the time-agreement that scheduled the vote. As long as they thought their side would prevail, the 14 hours of debate were considered to be sufficient; only when more accurate, and ominous, tallies were taken did the proponents begin to whine there was too little time for hearings and floor deliberation.)

Moreover, in refusing to date to commit not to push for a vote in an even more politically charged environment next year, the CTBT's champions are behaving in a manner that can only encourage GOP speculation that the president and his partisans have every intention of using whatever deferral they are granted to campaign against the Republican majority—with the hope not only of changing minds, but changing senators and even control of the Senate in the upcoming election.

With Dick Lugar arguing that the zero-yield, permanent Comprehensive Test Ban Treaty must be defeated, Senate Republicans can safely do what is right without fear of serious domestic political repercussions. And, while there will be much bellyaching around the world if the CTBT is rejected by the U.S. Senate, the real, lasting impact will not be to precipitate nuclear proliferation; it is happening now and will intensify no matter what happens on this treaty. Neither will it be to inflict mortal harm or ''embarrassment'' on the presidency. No one could do more to demean that office than the incumbent.

Rather, the most important—and altogether desirable—effect will be to re-establish the U.S. Senate as the Framers of the Constitution intended it to be: a co-equal with the president in the making of international treaties; a quality-control agent pursuant to the sacred principles of checks-and-balances on executive authority, one that if exercised stands to strengthen the leverage of U.S. diplomats in the future and assure that the arms control and other treaties they negotiate more closely conform to American security interests. Mr. Lugar put it very well in his formidable press release of last Thursday:

''While affirming our desire for international peace and stability, the U.S. Senate is charged with the constitutional responsibility of making hard judgments about the likely outcomes of treaties. This requires that we examine the treaties in close detail and calculate the consequences of ratification for the present and the future. Viewed in this context, I cannot support the [CTBT's] ratification.''

The PRESIDING OFFICER. The Senator from New Hampshire is recognized.

PRIVILEGE OF THE FLOOR

Mr. SMITH of New Hampshire. Madam President, I ask unanimous consent that Cline Crosier on my staff be granted the privilege of the floor for the remainder of the debate on this issue.

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

Mr. SMITH of New Hampshire. Madam President, it was interesting to hear my colleague from Delaware. He is correct. I remember those signs, ''One hydrogen bomb could ruin your day.'' I think the reason we are here today is a second hydrogen bomb that ruined their day. I think we need to make sure they understand we have the capability to respond in kind with weapons that will work. I think that is really the subject of the debate.

It takes a very confident person to criticize Edward Teller a little bit.

Mr. BIDEN. Madam President, if the Senator will yield, not on his scientific assessments, on his political judgment.

Mr. SMITH of New Hampshire. Right.

The Senator from Delaware also said that if you can't verify the reliability or certify the reliability, you can always get out of the treaty. That is true. But my concern is, will it be too late to catch up at that point? How much time will have elapsed?

I wonder sometimes how the results of the cold war might have come out had we yielded to all of the arms control pressures and adopted every arms control agreement exactly as it was pushed upon us, not only in the Senate but also in the House over the years. I look at arms control agreements in the 1960s and 1970s and 1980s. In spite of the fact we had a full-scale Soviet expansion throughout the world and full-scale nuclear buildup and absolutely no verification for the most part and cheating year after year, time after time we still pushed hard for these arms control agreements.

Mr. BIDEN. Will the Senator yield for 30 seconds for me to respond? We did pass the ABM Treaty, SALT I treaty, the START I treaty, the INF Treaty, the CFE Treaty, and we did it during the cold war.

Mr. SMITH of New Hampshire. And the Soviets violated every one of them.

Mr. BIDEN. They seem to work.

Mr. SMITH of New Hampshire. They work if you want to accept the fact that they violated it. We got lucky. That is the bottom line. As to the violations that President Reagan said trust but verify, in this particular case, I am not prepared to trust the North Koreans or the Libyans or the Iranians or the Iraqis or the Red Chinese, No. 1; and, No. 2, we cannot verify anything they are doing. That has been testified to over and over and over again.

I rise in very strong opposition to this Comprehensive Test Ban Treaty and, in doing so, know full well that we have one of the greatest communicators and spinners in American history in the White House. The idea will be that this will become a political debate in that how could anyone not be in favor of or how could anybody be opposed to a comprehensive test ban where we would ban the testing of nuclear weapons. That is the way it will be spun.

The answer is very simple. Because if you can't verify what the other side is doing, then you are at a disadvantage because we have the superiority of the arsenal. So if we don't verify that they are not testing, and we don't keep our stockpile up to speed because of that, and we don't know it is reliable and they do, then we are gradually losing that advantage. That is the issue.

In spite of all the spin we will hear over the next day or two after this treaty is voted on, that is the crux of the issue. Let us separate the spin. Let us take the politics out of this. Let us take the spin out of it and go right to the heart of it. We can't verify what they do, and if our stockpile is not reliable because we don't test, they gain on us.

The other point is, some of these nations, such as North Korea, might decide to test it on us and think nothing of it. Does anybody feel confident that the Iranians or the Iraqis would feel they had to test a nuclear weapon before they tried it on us? I don't feel that confident. I certainly don't think many in America do either. This treaty is wrong for our nuclear weapons program. It is wrong for America. It is wrong for the international community. It cannot be verified. It does not help us in maintaining our own stockpile.

Time after time the past several weeks, I have heard members of the administration try to spin this issue and claim that every President since Eisenhower has sought a comprehensive test ban. Basically, that is an attempt to hide the truth, to fool the American people into thinking this treaty would have had unanimous support from all of those Presidents. It wouldn't have had the unanimous support of those Presidents. To make those of us who oppose this treaty look as if we are standing out on the fringes is simply wrong. Yet that is the way it is reported. That is the way it is written. That is the way it will be spun tonight, tomorrow, and the next day by members of the administration as they

move out on to the talk shows—at taxpayers' expense, I might add—and criticize those of us in the Senate who in good conscience vote against this treaty.

What they haven't told the American people about these Presidents is that not one single President—not Eisenhower, not Kennedy, Johnson, Nixon, Carter, no one, not Reagan—no one until Bill Clinton ever proposed a test ban of zero yield and unlimited duration—zero yield, unlimited duration.

In the past few days, the spin machines have been working overtime telling the American people this issue is far too critical to national security for the Senate to make such a rash decision on its ratification. The administration now wants to pull the treaty, saying we haven't had enough time to study it. For up until a week or two ago, they were pushing us for a vote on it.

My colleague from Delaware mentioned the coup in Pakistan, did that bother me. No, frankly. I don't think it has a heck of a lot to do with this decision. I don't like to see coups anywhere. They contribute to the instability in the world. But it has nothing to do, in my view, with the issue before us.

I would like to remind my colleagues, this treaty was signed by President Bill Clinton in 1996 and transmitted to the Senate in 1997. Over 2 years, we have had this treaty before us. One of the problems I have in the Senate is that it doesn't matter how much time you spend on something or how long something is before this body; the only time we try to get really involved in it is when we are about to vote on something. Then those who haven't done their homework want to come out here and say we need more time.

We have had plenty of time. I have had 5 years of hearings on this issue. I chaired them myself and have listened to people testify for the past 5 years on this issue. I remind my colleagues, just a few months ago the minority threatened to hold up every single piece of legislation that came to the Senate floor until we agreed to have a vote on the test ban treaty. Now they are criticizing us because we are having one. It was President Clinton and the minority who demanded the treaty be brought before the Senate; it was President Clinton and the minority who urged consideration; and it was President Clinton and the minority who scolded the majority for failing to act on this issue. That was 2, 3 weeks ago.

So when things go sour on the President, he has a unique way—and a very good way, frankly—of twisting things around to his benefit. We found that out here on the floor in a very important impeachment vote a few months ago. The President has been demanding a vote on this treaty for 2 years. Now he has it. But now it is our fault because he is not going to get the vote he wants. The President said in remarks on the 50th anniversary of the Chairmen of the Joint Chiefs of Staff, in August, 1999—not too many months ago—''I ask the Senate to vote for ratification as soon as possible.'' That was 2 months ago. He asked the Senate, ''to give its advice and consent to the Comprehensive Test Ban Treaty this year.''

The problem with the President is, he wants us to give consent, but he doesn't like our advice. That is the problem. The Constitution requires both advice and consent. This President needs to learn that the Senate is here to advise, and if you want the consent, then you need to advise and discuss. That is part of the process. It is part of the process in treaties, and it is part of the process in judicial nominations, and it is part of the process in other appointments in his administration. After 7 years, almost, he still hasn't learned that.

In his State of the Union, in 1998, President Clinton said, ''Approve the Comprehensive Test Ban Treaty this year.'' That was last year. The Vice President, Mr. GORE, said, ''The U.S. Congress should act now to ratify the Comprehensive Test Ban Treaty.'' That now was July 23, 1998.

Now, because the votes are going against him, he is now saying we need more time, don't vote now. It is just spin at its best, and he is good at it; there is no question about it. That was pure partisan politics because when the majority leader finally consented and offered to bring the treaty to the floor, it was objected to. Let's remind the American people of that. You can bet the President is not going to remind them of that. This treaty was objected to when the majority leader asked to bring it to the floor. Then he offered a second time to bring the treaty to the floor and this body agreed by unanimous consent to a debate and a vote.

Let me say again: Unanimously, we agreed to a debate and a vote.

The minority party had ample opportunity at that time to object on the grounds that we haven't had enough time to study the treaty. Why didn't they say so then? Because the answer is, that is not the issue. We have had plenty of time to study the treaty. ''We haven't had enough time to have hearings,'' they said. The minority leader objected. Once the President sensed he was going to lose the vote, the spin machine began and he tried to figure out a way not to vote on what the President urged us so desperately to schedule in the first place—to avoid the vote he asked us to have.

I agreed with the President then that this treaty deserved consideration by the Senate. I wish we had more chance to advise, but he didn't choose that. So he asked for our consent. As it turns out, we are not going to give it to him. That is our constitutional right. It should not be spun and changed. It should be truthfully debated. We are all accountable. Some have said they don't want to vote on this treaty. I am not one of those people. We are here to be held accountable; we are here to vote. That is why we are here. If we disagree, we can vote against it. If we agree, we can vote for it.

My objection to this treaty is not based on partisan politics; it is based on careful, thoughtful study of the treaty and its implications both here in the United States and around the world. I believe the world will be more unstable—contrary to the feelings of my colleague from Delaware—not a more stable place, and America's nuclear deterrent capability will become more unreliable than at any time in the history of America if this treaty were to be ratified.

There are three points that would support that argument:

One, the Comprehensive Test Ban Treaty is not verifiable.

Two, the Comprehensive Test Ban Treaty will not stop proliferation.

Three—and perhaps most important—the Comprehensive Test Ban Treaty puts our nuclear arsenal at risk.

My job as chairman of the Strategic Subcommittee is to oversee that arsenal. I have been out to the labs, and I have had 5 or 6 years of hearings on these issues. Others will discuss the first two points in more depth than I will, and some have already. Let me focus on the third concern, which is that the Comprehensive Test Ban Treaty is not verifiable.

Last week, we saw reports in the media that the CIA admitted they were unable to verify key tests that may even be taking place today. We can't base our national security on an ability —which arguably may not exist—to detect an adversary's covert activity, and that the Comprehensive Test Ban Treaty will not stop proliferation. We already have a treaty in place to do that, the Non-Proliferation Treaty. This treaty has been violated repeatedly, over and over, year after year, by rogue nations that don't respect international law.

Do you think, with this kind of treaty, that every nation is going to have this great respect for international law and they are going to allow us total access to their country to verify this? When are we ever going to learn? Some have mentioned how futile the treaty would be in asking rogue nations not to test the same nuclear weapons they promised not to develop in the first place under the Non-Proliferation Treaty. And it is false hope that our adversaries will abide by international law if we just promise to do this treaty.

As I mentioned, the safety and reliability of the nuclear arsenal is my most serious concern. Rather than relying solely on the good intentions of other countries—and they may be good or they may not be—or on our ability to detect violations by other countries, my concern is ensuring that we remain capable of providing the safeguard and nuclear deterrent that won the cold war. That is what won the cold war—

the fact that other nations knew what would happen. They knew what would happen if they messed with us; we had the arsenal.

The linchpin of this treaty, as I see it, is whether or not you believe the United States can maintain a safe, credible, and reliable nuclear arsenal, given a zero-yield ban in perpetuity. The Stockpile Stewardship Program is really at the heart of this matter. If you think that we can have a reliable nuclear arsenal, with a zero-yield ban, in perpetuity, you should be for this treaty. Even the Secretary of Defense, William Cohen, has illustrated this point. This was 2 days ago. I want this to be listened to carefully. During testimony before the Armed Services Committee.

Senator SNOWE. Would you support ratification of this treaty without the Stockpile Stewardship Program?

Secretary COHEN. No.

Senator SNOWE. No? So then, obviously, you are placing a great deal of confidence in this program.

Secretary COHEN. I oppose a unilateral moratorium, without some method of testing for the safety and security and reliability of our nuclear force. The question right now is, does the Stockpile Stewardship Program give us that assurance? If there is doubt about it, then, obviously, you would say we cannot rely upon it and we should go back to testing.

Let me repeat that last line:

If there is doubt about it, then, obviously, you would say we cannot rely upon it and we should go back to testing.

Well, that is a critical point. Which of us would knowingly ratify a treaty that was advertised to put the safety, reliability, and credibility of the United States nuclear deterrent stockpile at risk and place the lives of the American people at risk? None of us would do that. Certainly not us, not the Secretary, not anybody. But that is the linchpin. If you believe in the Stockpile Stewardship Program, a series of computer simulations and laser experiments—that is what the program is, that we don't need to test, and that we do these computer tests and laser experiments—if you think that can sufficiently guarantee the safety and reliability of our nuclear weapons program, without testing of any kind forever—forever—then you should vote for the treaty because that is what this is about. As the Senator from Delaware said, you can get out of the treaty, but if you don't like what is going on, then it is too late.

If, however, you do not believe that the Stockpile Stewardship Program can sufficiently guarantee the safety and reliability of our nuclear weapons programs, then you should vote against the treaty.

Well—as Chairman of the Strategic Forces Subcommittee, I have oversight of all three of the Nation's nuclear laboratories—Los Alamos, Lawrence Livermore, and Sandia. I have been to the labs, I have seen the computer simulations, I have talked with the physicists and programmers. Just last February Senator LANDRIEU and I traveled to Lawrence Livermore Lab for a field hearing and a very productive set of tours and briefings.

Based on my experience—based on what I've seen, I don't have the confidence that the Stockpile Stewardship Program can sufficiently guarantee the safety and reliability of our nuclear weapons arsenal—forever—without any testing of any kind.

But don't just take my word for it—after all I'm not a physicist—I'm not a nuclear lab director. To settle the question about whether this Stockpile Stewardship Program can guarantee the safety and reliability of our nuclear weapons, we must turn to those lab directors, the men directly responsible for administering, executing, and overseeing the Stockpile Program.

Those three gentlemen testified before the Armed Services Committee just last week, and I think it is absolutely critical to share that testimony with my colleagues as we debate this treaty.

Dr. John Browne, Director of Los Alamos National Laboratory, had this to say about the condition and reliability of the Stockpile Stewardship Program:

Maintaining the safety and reliability of our nuclear weapons without nuclear testing is an unprecedented technical challenge.

The Stockpile Stewardship Program is working successfully toward this goal, but it is a work in progress.

There are simply too many processes in a nuclear explosion involving too much physics detail to perform a complete calculation. At present, with the most powerful supercomputers on Earth, we know that we are not doing calculations with sufficient accuracy and with sufficient detail to provide maximum confidence in the stockpile.

We know that we do not adequately understand instabilities that occur during the implosion process and we are concerned about the aging of high explosives and plutonium that could necessitate remanufacture of the stockpile.

We do not know the details of how this complex, artificially produced metal (plutonium) ages, including whether pits fail gradually, giving us time to replace them with newly manufactured ones, or whether they fail catastrophically in a short time interval that would render many of our weapons unreliable at once.

It is important to note that even with a complete set of tools we will not be able to confirm all aspects of weapons safety and performance. Nuclear explosions produce pressures and temperatures that cannot be duplicated in any current or anticipated laboratory facility. Some processes simply cannot be experimentally studied on a small scale because they depend on the specific configuration of material at the time of the explosion.

On the basis of our experience in the last 4 years, we continue to be optimistic that we can maintain our nuclear weapons without testing. However, we have identified many issues that increase risk and lower our level of confidence.

Dr. Bruce Tarter, Director of Lawrence Livermore National Laboratory testified:

We have not been able to meet the deadlines of the program as we thought we could.

It (the stockpile stewardship program) hasn't been perfect—the challenge lies in the longer term.

The stockpile stewardship program is an excellent bet—but it's not a sure thing.

Dr. Paul Robinson, director of Los Alamos National Laboratory, which is responsible for the engineering of more than 90 percent of the component parts of all U.S. nuclear warheads, provided an even more ominous testimony.

There is no question from a technical point of view, actual testing of designs to confirm their performance is the desired regimen for any high-technology device.

For a device as highly consequential as a nuclear weapon, testing of the complete system both when it is first developed and periodically throughout its lifetime to ensure that aging effects do not invalidate its performance, is also the preferred methodology.

I could not offer a proof, nor can anyone, that such an alternative means of certifying the adequacy of the U.S. stockpile will be successful. I believe then as I do now that it may be possible to develop the stockpile stewardship approach as a substitute for nuclear testing for keeping previously tested nuclear weapon designs safe and reliable. However, this undertaking is an enormous challenge which no one should underestimate, and will carry a higher level of risk than at any time in the past.

The difficulty we face is that we cannot today guarantee that stockpile stewardship will be ultimately successful; nor can we guarantee that it will be possible to prove that it is successful.

Confidence in the reliability and safety of the U.S. nuclear weapons stockpile will eventually decline without nuclear testing.

The stockpile stewardship program—though essential for continual certification of the stockpile—does not provide a guarantee of perpetual certifiability.

I have always said actual testing is preferred method—to do otherwise is acceptable risk.

I cannot ensure the program will mature in time to ensure safety and reliability of our nuclear weapons stockpile in the future.

I have always felt if you are betting your country—you better be conservative.

I find this testimony absolutely chilling. I am not willing to ''Bet my country'' on the stockpile stewardship program. America's lab directors who are directly responsible for the execution of the stockpile stewardship program testified before Congress that this program cannot guarantee the future security or stability or our nuclear weapons. I am not willing to accept any risk. I will not risk the lies of the American people on a program who's director—empowered by the President with the responsibility for running that program—are so very uncertain about its reliability.

On the basis of the expert testimony of these three lab Directors alone, if any Senators had any doubt about how they would vote on this treaty—it should now be gone!

And I cannot for the life of me understand why the President would ask the Senate to ratify a treaty that lives or dies based on the stockpile stewardship program—a program that our lab Directors are telling us they cannot guarantee!

If we ratify this treaty, there is a very high probability we will have to start looking for a way out of it within 10–15 years—maybe even sooner. I don't

understand entering into a treaty you know full well you may have to pull out of almost as soon as it goes into effect.

Now, supporters of the treaty will point out that if in fact the lab Directors, and the Secretary of Energy all agree in 10 years that the stockpile stewardship isn't working, the President, in consultation with Congress, can just pull us out of the treaty.

Well, treaties tend to take on a life of their own, and I do not believe it would be that easy. Just look at the ABM Treaty of 1972. Our co-signer, the U.S.S.R. doesn't even exist anymore, and although there is overwhelming agreement between the defense and intelligence communities, and the American public, that our national interests are at stake, the President still opposes pulling out of the ABM Treaty!

The Nuclear Test Ban Treaty of 1963 and the Nuclear Nonproliferation Treaty of 1968 are two more examples. These treaties have both been violated. But have we pulled out of either one despite the legal right to do so—absolutely not!

My friends and colleagues, it makes no sense to ratify a treaty that our own nuclear experts tell us we may have to negotiate a way out of within a decade.

This treaty is dangerous and ill-advised. It places our nuclear stockpile, and hence our nuclear deterrent capability, at considerable risk. This treaty is bad for America, and it is bad for the international community, and I will vote against it.

That is if I'm given the opportunity to vote against it. While Senate Democrats and the White House are back pedaling furiously, some in the Senate are anxious to rescue them from their miscalculation and deliver them from a major legislative defeat. It might be tempting to view this as a ''win-win'' situation for those who oppose the treaty. The reasoning goes like this: If we effectively kill this flawed treaty without a vote, we will have forced the White House to back down, and have won without letting the White House accuse us of killing the treaty. This is superficially appealing. But it is a strategy for, at best, a half-victory, and at worst, a partial defeat.

Postponing a vote on the CTBT will allow the White House to claim victory in saving the treaty, and will allow the White House to continue to spin the American people by blaming opponents for not ratifying the treaty. There is no conservative victory in that.

Every single Senator knows today how he or she will vote on this treaty. More debate and more hearings won't change that. It's time to put partisan politics aside and stand firm on our beliefs. The die is cast, and Republicans and Democrats alike have staked out their positions. It's time for Senators to stand by those positions and vote their conscience. Mr. President, I oppose postponing the vote on this treaty, and I urge my colleagues to do the same.

Mr. President, I yield the floor.

Mr. HELMS. I feel obliged to observe that the United States has already flirted with an end to nuclear testing—from 1958 to 1961. It bears remembering that the nuclear moratorium ultimately was judged to constitute an unacceptable risk to the nation's security, and was terminated after just three years. On the day that President Kennedy ended the ban—March 2, 1962—he addressed the American people and said:

> We know enough about broken negotiations, secret preparations, and the advantages gained from a long test series never to offer again an uninspected moratorium. Some urge us to try it again, keeping our preparations to test in a constant state of readiness. But in actual practice, particularly in a society of free choice, we cannot keep top flight scientists concentrating on the preparation of an experiment which may or may not take place on an uncertain date in the future. Nor can large technical laboratories be kept fully alert on a standby basis waiting for some other nation to break an agreement. This is not merely difficult or inconvenient—we have explored this alternative thoroughly and found it impossible of execution.

This statement is very interesting. It makes clear that the fundamental problems posed by a test ban remain unchanged over the past 27 years. The United States certainly faces a Russian Federation that is engaging in ''secret preparations'' and likely is engaging in clandestine nuclear tests relating to the development of brand-new, low-yield nuclear weapons. The United States, on the other hand, cannot engage in such nuclear modernization while adhering to the CTBT.

Likewise, the Senate is faced with the same verification problem that it encountered in 1962. As both of President Clinton's former intelligence chiefs have warned, low-yield testing is undetectable by seismic sensors. Nor does the United States have any reasonable chance of mobilizing the ludicrously high number of votes needed under the treaty to conduct an on-site inspection. In other words, the treaty is unverifiable and there is no chance that cheaters will ever be caught.

This is not my opinion. This is a reality, given that 30 of 51 countries on the treaty's governing board must approve any on-site inspection. Even the President's own senior arms controller—John Holum—complained in 1996 that ''treaty does not contain . . . our position that on-site inspections should proceed automatically unless two-thirds of the Executive Council vote ''no.'' Instead of an automatic green light for inspections, the U.S. got exactly the opposite of what it requested.

But most importantly, in 1962 President Kennedy correctly noted that the inability to test has a pernicious and corrosive effect—not just upon the weapons themselves (which cannot be fully remanufactured under such circumstances)—but upon the nation's nuclear infrastructure. Our confidence in the nuclear stockpile is eroding even as we speak. Again, this is not my opinion. It is a fact which has been made over and over again by the nation's senior weapons experts.

In 1995, the laboratory directors compiled the following two charts which depict two simple facts: (1) that even with a successful science-based program, confidence will not be as high as it could be with nuclear testing; and (2) even if the stockpile stewardship program is completely successful by 2010, the United States will not be able to design new weapons, and will not be able to make certain types of nuclear safety assessments and stockpile replacements.

Senators will notice that, on both charts, there is mention of ''HN'' (e.g. hydronuclear) and 500 ton tests. The laboratory directors, in a joint statement to the administration in 1995, said: ''A strong Stockpile Stewardship and Management Program is necessary to underwrite confidence. A program of 500-ton experiments would significantly reduce the technical risks.''

This judgment has not changed over the past several years. Both weapons laboratory directors stated in 1997 that nuclear testing would give the United States greater confidence in the stockpile.

So as I listen to these claims that the United States is ''out of the testing business,'' I make two basic observations. First, we are only out of the testing business because President Clinton has taken us out. There is no legal barrier today to conducting stockpile experiments. The reason is purely political. Indeed, the White House is using circular logic. The United States is not testing because the White House supports the test ban treaty; but the White House is claiming that because we are not testing, we should support the treaty.

Second, I remind all that the United States thought it was out of the testing business in 1958, only to discover how badly we had miscalculated. President Kennedy not only ended the 3-year moratorium, but embarked upon the most aggressive test series in the history of the weapons program. If Senators use history as their guide, they will realize that the CTBT is a serious threat to the national security of the United States.

Mr. McCAIN. Mr. President, I rise today to express my very grave concerns over the path down which we are heading. The United States Senate is on the verge of voting down a treaty the intent of which is consistent with U.S. national security objectives, but the letter and timing of which are fraught with serious implications for our security over the next decade.

Mr. President, I will vote against ratifying the Comprehensive Test Ban Treaty. This is not a vote I take lightly. I am not ideologically opposed to arms control, having voted to ratify the START Treaty and the Chemical Weapons Convention. But, my concerns about the flaws in this Treaty's drafting and in the administration's plan for

maintaining the viability of the stockpile leave me no other choice.

On October 5, Henry Kissinger, John Deutch and Brent Scowcroft wrote to the majority and minority leaders stating their serious concerns with the Senate's voting on the treaty so far in advance of our being able to implement its provisions and relying solely on the Stockpile Stewardship Program. They noted that ''. . . few, if any, of the benefits envisaged by the treaty's advocates could be realized by Senate ratification now. At the same time, there could be real costs and risks to a broad range of national security interests—including our nonproliferation objectives—if [the] Senate acts prematurely.'' These are sage words that should not be taken lightly by either party in the debate on ratification.

In the post-cold-war era, a strong consensus exists that proliferation of weapons of mass destruction is our single greatest national security concern. Unfortunately, a ban on nuclear testing, especially when verification issues are so poorly addressed, as in this treaty, will not prevent other countries from developing nuclear weapons. A number of countries have made major strides in developing nuclear weapons without testing. South Africa and Pakistan both built nuclear stockpiles without testing; North Korea may very well have one or two crude nuclear weapons sufficient for its purposes; and Iraq was perilously close to becoming a nuclear state at the time it invaded Kuwait. Iran has an active nuclear weapons program, and Brazil and Argentina were far along in their programs before they agreed to terminate them. Testing is not necessary to have very good confidence that a first generation nuclear weapon will work, as the detonation over Hiroshima, utilizing a design that had never been tested, demonstrated more than half-a-century ago.

Whenever an arms control agreement is debated, the issue of verification rightly assumes center stage. That is entirely appropriate, as the old adage that arms control works best when it is needed least continues to hold true. That the leaders of Great Britain, France, and Germany support ratification is less important than what is going on inside the heads of the leaders of Russia, China, India, Pakistan, Iraq, Iran, and North Korea. We don't need arms control agreements with our friends; we pursue arms control as a way of minimizing the threat from those countries that may not have our national interests at heart. Some of the countries with active nuclear weapons programs clearly fall into that category. On that count, the Comprehensive Test Ban Treaty falls dangerously short.

In order to fully comprehend the complexity of the verification issue, it is important to understand the distinction between monitoring and verifying. Monitoring is a technical issue. It is the use of a variety of means of gather information—in other words, detecting that an event took place. Verification, however, is a political process.

Even if we assume that compliance with the treaty can be monitored—and I believe very strongly, based in part on the CIA's recent assessment, that that is not the case—we are left with the age-old question posed most succinctly some 40 years ago by Fred Ikle: After Detection—What? What are we to make of a verification regime that is far from prepared to handle the challenges it will confront. For example, we are potentially years from an agreement among signatories on what technologies will be employed for monitoring purposes. More importantly, the treaty requires 30 disparate countries to agree to a challenge on-site inspection when 19 allies couldn't agree on how to conduct air strikes against Yugoslavia?

Furthermore, we are being asked to accept arguments on verification by an administration that swept under the rug one of the most egregious cases of proliferation this decade, the November 1992 Chinese transfer of M–11 missiles to Pakistan, and that continues to cling tenaciously to the ABM Treaty despite the scale of global change that has occurred over the last 10 years.

In determining whether to support this treaty at this time, it is essential that we examine the continued importance of nuclear weapons to our national security. Last week's testimony by our nuclear weapons lab directors that the Stockpile Stewardship Program will not be a reliable alternative to nuclear testing for five to 10 years is a clear and unequivocal statement that ratification of this treaty is dangerously premature. General John Vessey noted in his letter to the chairman of the Armed Services Committee that the unique role of the United States in ensuring the ultimate security of our friends and allies, obviating their requirement for nuclear forces in the process, remains dependent upon our maintenance of a modern, safe and reliable nuclear deterrent. As General Vessey pointed out, ''the general knowledge that the United States would do whatever was necessary to maintain that condition certainly reduced the proliferation of nuclear weapons during the period and added immeasurably to the security cooperation with our friends and allies.'' This sentiment was also expressed by former Secretaries of Defense Schlesinger, Cheney, Carlucci, Weinberger, Rumsfeld, and Laird, when they emphasized the importance of the U.S. nuclear umbrella and its deterrent value relative not just to nuclear threats, but to chemical and biological ones as well.

The immensely important role that a viable nuclear deterrent continues to play in U.S. national security strategy requires the United States to be able to take measures relative to our nuclear stockpile that are currently precluded by the Test Ban Treaty. Our stockpile is older today than at any previous time and has far fewer types of warheads—a decrease from 30 to nine—than it did 15 years ago. A fault in one will require removing all of that category from the stockpile. The military typically grounds or removes from service all of a specific weapons system or other equipment when a serious problem is detected. Should they act differently with nuclear warheads? Obviously not.

Finally, this treaty will actually prevent us from making our nuclear weapons safer. Without testing, we will not be able to make essential safety improvements to our aging stockpile—a stockpile that has already gone seven years without being properly and thoroughly tested.

I hope the time does arrive when a comprehensive ban on nuclear testing will be consistent with our national security requirements. We are simply not yet there. I will consider supporting a treaty when alternative means of ensuring safety and reliability are proven, and when a credible verification regime is proposed. Until then, the risks inherent in the administration's program preclude my adopting a more favorable stance.

These are the reasons that I must vote against ratification of the Comprehensive Test Ban Treaty at this time. The viability of our nuclear deterrent is too central to our national security to rush approval of a treaty that cannot be verified and that will facilitate the decline of that deterrent. Preferably, this vote would be delayed until a more appropriate time, but, barring that, I cannot support ratification right now.

The operative phrase, though, is ''right now.'' The concept of a global ban on testing has considerable merit. Defeating the treaty would not only imperil our prospects of attaining that objective at some future point, it would in all likelihood send a green light to precisely those nations we least want to see test that it is now okay to do so. Such a development, I think we can all agree, is manifestly not in our national interest.

In articulating his reasons for continuing to conduct nuclear tests, then-President Kennedy stated that, ''If our weapons are to be more secure, more flexible in their use and more selective in their impact—if we are to be alert to new breakthroughs, to experiment with new designs—if we are to maintain our scientific momentum and leadership—then our weapons progress must not be limited to theory or to the confines of laboratories and caves.'' This is not an obsolete sentiment. It rings as true today as when President Kennedy uttered those words 37 years ago.

I thank the Chair.

Mr. HATCH. Mr. President, today the Senate debates an arms control treaty of idealistic intent, vague applicability, and undetermined effects. Given today's state of scientific, geopolitical and military affairs, I must vote against the resolution of ratification of

the Comprehensive Test Ban Treaty, a treaty that will lower confidence in our strategic deterrent while creating an international regime that does not guarantee an increase in this country's security.

On balance—and these matters are often concluded on balance, as rarely are we faced with clear-cut options—it is my reasoned conclusion that the CTBT does not advance the security of this nation.

Some people think that, by passing the CTBT, we will be preventing the horrors of nuclear war in the future. There is great emotional content to this argument.

But in deliberations about a matter so grave, I had to apply a rational, logical analysis to the affairs of nations as I see them. And, on reflecting on half a century of the nuclear era, I can only conclude that it is the nuclear strategic deterrent of this country that is the single most important factor in explaining why this country has not been challenged in a major military confrontation on our territory. We emerged victorious from the cold war without ever engaging in a global ''hot'' war.

Despite the security we have bought with our nuclear deterrent, the world we live in today is more dangerous than the cold war era. Today, we are faced with the emergence of new international threats. These include rogue states, such as Iraq, Sudan, and North Korea; independent, substate international terrorists, such as Osama bin Laden; and international criminal organizations that may facilitate funds and, perhaps, nuclear materials to flow between these actors. Some of these actors, of course, can and have developed the ''poor man's'' nukes, as they are called: biological and chemical weapons.

It is to the credit of the serious proponents of this treaty that they have not argued that this treaty can effectively prevent these new actors on the global scene from developing primitive nuclear weapons—which can be built without tests. The CTBT does not prevent them from stealing or buying tactical nuclear weapons that slip unsecured out of Russian arsenals. The CTBT cannot prevent or even detect low-yield testing by rogue states which have a record of acting like treaties aren't worth the paper they're written on. These are the threats we face today.

In this new threat environment, the proponents of this treaty suggest that we abandon testing to determine the reliability of our weapons, to increase their safety, and to modernize our arsenal.

Yet we have recent historical evidence that our nuclear deterrent is a key factor in dealing with at least some of these actors. Recall that, in the gulf war, Saddam Hussein did not use his chemical and biological weapons against the international coalition. This was not because Saddam Hussein was respecting international norms. It was solely because he knew the United States had a credible nuclear deterrent that we reserved the right to use.

Proponents of the Comprehensive Test Ban Treaty argue that scientific tests at the sub-critical level can replace testing as the methodology to ensure the reliability and safety of our nuclear arsenal, which, we all know, has not been tested since 1992. The question of reliability of our deterrent is absolutely essential to this nation's security. And yet the proponents of our science-based alternative program to testing—known as the Stockpile Stewardship Program—all acknowledge that this critical replacement to testing is not in place today and will not be fully developed until sometime in the next decade.

Even if the Stockpile Stewardship Program is fully operational in 2005, as the most optimistic representations suggest, that will be more than 10 years since we have had our last tests. After a decade of no testing, the confidence in our weapons will have declined. Throughout this period, we will be relying on a scientific regime whose evolution and effectiveness we can only hope for.

This is the concern of numerous national security experts, and their conclusions were not supportive of the CTBT. Addressing this central issue, six former Secretaries of defense (Schlesinger, Cheney, Carlucci, Weinberger, Rumsfeld, Laird) said:

> The Stockpile Stewardship Program, which will not be mature for at least 10 years, will improve our scientific understanding of nuclear weapons and would likely mitigate the decline in our confidence in the safety and reliability of our arsenal. We will never know whether we should trust the Stockpile Stewardship if we cannot conduct tests to calibrate the unproven new techniques.

Former Secretary of State Henry Kissinger, former National Security Advisor Brent Scowcroft, and former Director of Central Intelligence John Deutch said recently:

> But the fact is that the scientific case simply has not been made that, over the long term, the United States can ensure the nuclear stockpile without nuclear testing . . . The Stockpile Stewardship Program is not sufficiently mature to evaluate the extent to which it can be a suitable alternative to testing.

I hasten to point out that the experts who have spoken against the CTBT have served in Republican and Democratic Administrations. Secretary Kissinger served in the Nixon administration, for example, which negotiated the Threshold Test Ban Treaty banning tests above 150 kilotons. This treaty was ratified during the Bush Administration. John Deutch, as we all know, was head of the CIA in the present Administration.

I support the Stockpile Stewardship Program, and will continue to support it. There may be a day when my colleagues and I can be convinced that science-based technology can ensure the reliability and safety of our arsenal to a level that matches what we learn through testing. That would be a time to responsibly consider a Comprehensive Test Ban. And that time is not now.

This central point on the reliability of our nuclear deterrent has not escaped the public's view of the current debate. Utahns have approached me on both sides of the argument.

Yes, we have seen numerous polls that suggest that the public supports the Comprehensive Test Ban Treaty. When people are asked, ''do you support a global ban on nuclear testing?'' majorities respond affirmatively. However, when people are asked, as some more specific polls have done, ''Do you believe our nuclear arsenal has kept this country free from attack?'' the majority always answers overwhelmingly affirmatively. When asked whether we need to continue to rely on a nuclear deterrent, the answer is always overwhelmingly affirmative, as it is when the public is asked whether we need to maintain reliability in our nuclear deterrent. Once again, I find the public more sophisticated than they are often given credit for.

When I speak with people about the limits of monitoring this global ban, and the numerous methods and technologies available to parties that wish to evade detection, confidence in the CTBT falls even lower. The fact is—and, once again, the proponents of the treaty concede this—that a zero-yield test ban treaty is unverifiable.

Small but militarily significant tests—that is, 500-ton tests, significant to the development and improvement of nuclear weapons—will not always be detectable. Higher yield tests—such as 5 kilotons—can be disguised by the techniques known as ''decoupling,'' where detonations are set in larger, either natural or specially constructed, subterranean settings.

Today we are uncertain about a series of suspicious events that have occurred recently in Russia, a country that has not signed the CTBT. Some Russian officials have suggested that they would interpret the CTBT to allow for certain levels of nuclear tests, a view inimical to the Clinton administration's proponents of the CTBT. These are troubling questions, Mr. President, which should cast great doubt on the hopes of the proponents of the CTBT.

But the proponents say, under a CTBT regime we could demand an on-site inspection. But the on-site inspection regime is, by the terms of the treaty, weak. It is a ''red-light'' system, which means that members of the Executive Council of the Conference of States Parties must vote to get affirmative permission to inspect—and the vote will require a super-majority of 30 of 51 members of the Council for permission to conduct an inspection. The terms of the treaty allow for numerous obstructions by a member subject to inspection. Some of these codified instructions appear to have come out of

Saddam Hussein's play book for defeating UNSCOM.

Some have suggested that Senate rejection of this treaty, which seems likely, will undermine this country's global leadership. It is said that, if we fail to ratify, critical states will not ratify the treaty. This assertion strikes me as highly suppositious.

Since the end of World War II, there are very few instances of the United States using its nuclear threat explicitly. Besides the Soviet Union, locked in a bipolar global competition with us until its collapse in 1991, other nations' decision to develop nuclear programs were based, not on following ''U.S. leadership,'' but on their perception of regional balances of power, or on their desire to establish global status with a strategic weapon. Their decisions to cease testing will be similarly based.

The CTBT, it is argued, will prevent China from further modernizing its nuclear forces. It would be more accurate, in my opinion, to state that the treaty, if it works as its proponents wish, may constrain China from testing the designs for nuclear warheads it has gained through espionage. The debate over future military developments always hinges on the distinction between intentions and capabilities. China's current nuclear capabilities are modest, although it has a handful of warheads and the means to deliver them to the North American continent.

But I have to ask: Are the analysts in the Clinton administration confident that China's intentions are consistent with a view embodied in the CTBT that would lock China into substantive nuclear inferiority to the United States?

Is that what their espionage was about? Or their veiled threats—such as the famous ''walk-in'' in 1995, when a PRC agent showed us their new-found capabilities? And how about the PRC's explicit threat to rain missiles on Los Angeles? That was a reflection on intentions.

Those of us who study intentions and capabilities of such a key geopolitical competitor as China know that their capabilities are far inferior to us. But you have to wonder, based on their statements and other actions, whether the Chinese are willing to accept the current strategic balance that would be locked in with the CTBT.

And, does it make sound strategic sense for the defense of our country that the United States, in effect, unilaterally disarms our technological superiority by freezing our ability to modernize and test?

When we freeze our deterrent capability, we are, in effect, abandoning America's technological edge and mortgaging that deteriorating edge on the belief and hope that all of our geopolitical competitors will do the same. This reflects a view of the world that is far more optimistic than I believe is prudent. A substantial dose of skepticism should be required when thinking about the defense of our country.

To address these concerns, the administration has waived ''Safeguard F,'' which it will attach to the treaty. This addendum states that it is its understanding that if the Secretaries of Defense and Energy inform the President that ''a high level of confidence in the safety or reliability of a nuclear weapon type which the two Secretaries consider to be critical to our nuclear deterrent could no longer be certified, the President, in consultation with Congress, would be prepared to withdraw from the CTBT under the standard ''supreme national interests'' clause in order to conduct whatever testing might be required.''

This vaguely worded escape clause is the manifestation of what is known in international law as rebus sic stantibus. This famous expression is attributed to Bismark, who declared: ''At the bottom of every treaty is written in invisible ink—rebus sic stantibus—'until circumstances change'.'' This is a recognition common in international law, and now manifest in black-and-white in ''Safeguard F,'' that agreements hold only as long as the fundamental conditions and expectations that existed at the time of their creation hold.

The fundamental conditions that the CTBT seeks to address are where my fundamental reservations lie. There are too many factors that we cannot control and that will not be restrained by the best intentions of a testing freeze.

The world is changing, and alliances are subtly changing. Geopolitical competitors such as China, Russia, Iran, and North Korea are undergoing radical—radical—social changes that are demonstrably affecting their governments, foreign policies, and militaries. An agreement on a test ban freeze today does not reconcile with these realities.

Even the most stalwart proponents of the treaty can only argue that U.S. ratification of the treaty may influence other states' behaviors. That is a hope, not a certainty. The need for a reliable nuclear deterrent, last tested in 1992, remains a certainty. I firmly believe that the CTBT will not control these external realities. While some countries may see a test ban regime in their interests, others, motivated not by the norms we hope for in the international community, but by the more historic realities of national interest and competition, may not.

The timing is simply wrong to pass this treaty. The science has not been sufficiently reassuring, and global developments have not been encouraging.

I must admit that my ongoing concerns about this administration's understanding of the world do not promote confidence in their support for this treaty. Under this administration, we have seen a precipitous decline in the funding of the military; we have seen an unacceptable resistance to missile defense; we have seen that it was Congress that had to promote sanctions on nuclear and missile proliferation from Russian firms spreading nuclear and missile technology to rough states. All of this belies confidence.

Combine this with a lack of confidence in the science-based alternative to testing promoted by the administration, which even its supporters recognize is not up to speed, and I must conclude that it is against the U.S. national interest to vote for the CTBT.

This vote is not about the horrors of Hiroshima and Nagasaki. It is about whether the nuclear deterrent that has kept this country secure for half a century and will keep this country secure for the foreseeable future.

Deterrence is not static, it is dynamic. The world is not static, it is unpredictable and dangerous. The CTBT is an attempt to impose a static arms control environment—to freeze our advantage—while gambling that our competitors abide by the same freeze. Today, that is unsound risk.

I will vote to oppose the resolution of ratification of the Comprehensive Test Ban Treaty.

Mr. ASHCROFT. Mr. President, I rise today to speak on the Comprehensive Test Ban Treaty (CTBT). Signed by the President on September 24, 1996, and submitted to the Senate approximately one year later, the CTBT bans all nuclear explosions for an unlimited duration.

Every member of the Senate would like to strengthen the national security of the United States. Every member of the Senate would like to leave this country more safe and secure. There are time-honored principles which undergrid genuine security, however. As George Washington stated over two centuries ago, ''There is nothing so likely to produce peace as to be well prepared to meet an enemy.'' Washington believed that if we wanted peace, we must be prepared to defend our country.

The CTBT is not based on the national security principles of Washington or any other President who used strength and preparedness to protect our way of life and advance liberty around the globe. This treaty is based on an illusion of arms control, dependent on the unverifiable good will of signatory nations—some of which are openly hostile to the United States. The CTBT will do nothing to stop determined states from developing nuclear weapons and will degrade the readiness of the U.S. nuclear stockpile. The U.S. nuclear arsenal is still the most powerful deterrent to aggression against the United States, but this treaty would place the reliability of that arsenal in question.

Is such a step worth the risk? What does the CTBT give us in return? Is the treaty really the powerful weapon in the war against proliferation that the Administration claims? Several critical deficiencies of the CTBT make this treaty a genuine threat to U.S. national security.

First, the monitoring system of the treaty will not be able to detect many nuclear tests. The International Monitoring System (IMS) of the CTBT is designed to detect nuclear blasts greater

than one kiloton, but tests with a smaller blast yield may be used to validate or advance nuclear weapons designs. Tests larger than one kiloton can be masked through certain testing techniques. By testing underground, for example, the blast yield from a nuclear test can be reduced by a factor of 70. The bottom line is that countries will be able to continue testing under this treaty and not be detected.

The unverifiability of the CTBT was highlighted by the Washington Post on October 3, 1999. In an article entitled ''CIA Unable to Precisely Track Testing,'' Roberto Suro writes that ''the Central Intelligence Agency has concluded that it cannot monitor low-level nuclear tests by Russia precisely enough to ensure compliance with the Comprehensive Test Ban Treaty. . .'' Twice last month, Russia may have conducted nuclear tests, but the CIA was unable to make a determination, according the Post article.

Senator JOHN WARNER, the distinguished chairman of the Armed Services Committee, is quoted in the Post article concerning a broader pattern of Russian deception with regard to nuclear testing. According to a military assessment mentioned in the Post, Russia has conducted repeated tests over the past 18 months to develop a low-yield nuclear weapon to counter U.S. superiority in precision guided munitions.

Such behavior reinforces the central point that proponents of the CTBT seem to miss in this debate. When nations have to choose between the communal bliss of international disarmament or pursuing their national interest, they follow their national interest. Countries such as Russia have the best of both worlds with an unverifiable treaty like the CTBT: Russia can continue to test without being caught and the U.S. nuclear arsenal cannot be maintained or modernized and eventually deteriorates over time.

A second critical problem with the CTBT is that countries do not have to test to develop nuclear weapons. The case of India and Pakistan provides perhaps the best example that a ban on nuclear testing can be irrelevant. Pakistan developed nuclear explosive devices without any detectable testing, and India advanced its nuclear program without testing for twenty-five years.

Proliferation in South Asia also lends itself to a broader discussion of this Administration's nonproliferation record. The Administration's rhetoric on the CTBT has been strong in recent weeks, but has the Administration always been as committed to stop proliferation?

The case of Pakistan is particularly illustrative of this Administration's flawed approach to nonproliferation and arms control. In an unusually candid report in 1997, the CIA confirmed China's role as the ''principal supplier'' of Pakistan's nuclear weapons program. Although the Administration has been careful to use milder language in subsequent proliferation reports, China is suspected of continuing such assistance. Rather than take consistent steps to punish Chinese proliferation, however, the Administration is pushing a treaty to stop nuclear testing—testing which is not needed for the development of nuclear weapons in the first place.

This Administration would have more credibility in the area of nonproliferation if it had been taking aggressive steps to punish proliferators and defend America's interests over the last seven years. When China transfers complete M–11 missiles to Pakistan, this Administration turns a blind eye. When China is identified by the CIA in 1997 as the ''. . . the most significant supplier of WMD-related goods and technology to foreign countries,'' the Administration rewards China with a nuclear cooperation agreement in 1998.

These severe lapses in U.S. nonproliferation policy cannot be covered over with the parchment of another unverifiable arms control treaty.

A third problem with the CTBT is that it places the reliability of the U.S. nuclear arsenal at risk. While other countries can develop simple nuclear weapons without testing, such tests are critically important for the maintenance and modernization of highly sophisticated U.S. nuclear weapons. In that it forbids testing essential to ensure the readiness of the U.S. stockpile, the CTBT is really a back door to nuclear disarmament. The preamble of the CTBT itself states that the prohibition on nuclear testing is ''a meaningful step in the realization of a systematic process to achieve nuclear disarmament . . .''

Proponents of the CTBT argue that we have the technology and expertise to ensure the readiness of our nuclear arsenal through the Stockpile Stewardship Program. The truth of the matter is that only testing can ensure that our nuclear weapons are being maintained, not computer modeling and careful archiving of past test results. As Dr. Robert Barker, a strategic nuclear weapons designer and principal advisor to the Secretary of Defense on all nuclear weapons matters from 1986–92, stated, ''. . . sustained nuclear testing . . . is the only demonstrated way of maintaining a safe and reliable nuclear deterrent.''

Dr. James Schlesinger, a former Secretary of the Defense and Energy Departments, is one of the most competent experts to speak on the national security implications of the CTBT and the Stockpile Stewardship Program. His comments on the Stockpile Stewardship Program should be heeded by every Senator. In testimony before Congress, Dr. Schlesinger stated that the erosion of confidence in our nuclear stockpile would be substantial over several decades. Dr. Schlesinger states that ''In a decade or so, we will be beyond the expected shelf life of the weapons in our nuclear arsenals, which was expected to be some 20 years.''

The real effect of the CTBT, then, is not to stop the spread of nuclear weapons, for less developed countries can develop simple nuclear weapons without testing and countries like Russia and China can test without being detected. The real effect of the CTBT will be to degrade the U.S. nuclear arsenal, dependent on periodic testing to ensure readiness.

Modernization and development of new weapons systems, also dependent on testing, will be precluded. The need to modernize and develop new nuclear weapons should not be discounted. New weapons for new missions, changes in delivery systems and platforms, and improved safety devices all require testing to ensure that design modifications will and be effective. In supporting this treaty, the President is saying that regardless of the future threats the United States may face, we will surrender our ability to sustain a potent and effective nuclear deterrent. Mr. President, such shortsighted policies which leave America less secure are completely unacceptable and should be rejected.

It is difficult for me to understand how a President who determines that ''the maintenance of a safe and reliable nuclear stockpile to be a supreme national interest of the United States'' can support the CTBT, a treaty which could jeopardize the entire nuclear arsenal within years.

Those who favor the CTBT argue that the treaty will create an international norm against the development of nuclear weapons. If the United States will take the lead, advocates for the treaty state, then other countries will see our good intentions and follow our example.

Mr. President, moral suasion carries little weight with countries like North Korea, Iran, and Iraq. Moral suasion means little more to Russia, China, Pakistan, and India. These countries follow their security interests, not the illusory arms control agenda of another international bureaucracy.

It is folly to degrade the U.S. nuclear deterrent through a treaty that has no corollary security benefits. I am not opposed to treaties and norms which seek to reduce the potential for international conflict, but arms control treaties which are not verifiable leave the United States in a more dangerous position. When we can trust but not verify, the better path is not to place ourselves in a position where our trust can be broken, particularly when the security of the American people is at stake.

I thank the Chair for the opportunity to address this important matter and I urge my colleagues to oppose the Comprehensive Test Ban Treaty.

Mr. HELMS. Mr. President, the incredible and contrived rhetoric pouring forth constantly from the White House for the past few weeks has at times bordered on absurd and futile efforts to

sell to the American people the Comprehensive Test Ban Treaty. For example, only this administration could attempt to put a positive spin on a Washington Post article reporting that the CTBT is unverifiable. It didn't work and once again it was demonstrable that you can't make a silk purse out of a sow's ear.

No administration, prior to the present one, has ever tried to argue with a straight face that a zero yield test ban would or could be verifiable. A treaty which purports to ban all nuclear testing is, by definition, unverifiable. In fact, previous administrations admitted that much less ambitious proposals, such as low-yield test ban, were also not verifiable.

This is not a ''spin'' contest. This is a fact.

There is one hapless fellow, at the other end of Pennsylvania Avenue, who is bound to know this, and he should not be lending his name to such shenanigans.

I am not referring to the President. This is his treaty—the only major arms control agreement negotiated on his watch—and its ratification is entirely about his legacy. No, I am talking about Vice President GORE, who took the correct, flat-out-position—when he was a United States Senator—he was opposed to even a 1-kiloton test ban. According to then Senator GORE, the only type of test ban that was verifiable was, in his estimation, one with no less than a 5-kiloton limit. He was quite clear, Mr. President, in saying that anything less—such as the CTBT treaty now before the Senate—would be unverifiable.

On May 12, 1988, Senator GORE objected to an amendment offered to the 1989 defense bill which called for a test ban treaty and which restricted nuclear tests above 1 kiloton. Then-Senator GORE declared:

> Mr. President, I want to express a lingering concern about the threshold contained in the amendment. Without regard to the military usefulness or lack of usefulness of a 1 kiloton versus the 5 kiloton test, purely with regard to verification, I am concerned that a 1 kiloton test really pushes verification to the limit, even with extensive cooperative measures. . . . I express the desire that this threshold be changed from 1 to 5.

In other words, the Vice President knows full well that a 1-kiloton limit—to say nothing of 0-kiloton ban—was unverifiable. In fact, at his insistence, the proposed amendment was modified upwards to allow for all nuclear tests below 5 kilotons.

Why then, is the administration, of which he is now a part, claiming that a zero-yield ban is ''effectively verifiable''?

Numerous experts have cautioned the Senate that a ''zero-yield'' CTBT is fundamentally unverifiable. Other nations will be able to conduct militarily significant nuclear tests well below the detection threshold of the Treaty's monitoring system, and even below the United States' own unilateral capability.

President Clinton's own former Director of Central Intelligence, Jim Woolsey, testified before the Foreign Relations Committee, on May 13, 1998, that ''With the yield of zero, I have very serious doubts that we would be able to verify.''

On August 5, 1999, former Secretary of State Henry Kissinger noted: ''When I was involved in test-ban negotiations, it was understood that testing below a certain threshold was required to ensure confidence in U.S. nuclear weapons. It also was accepted that very low-yield tests would be difficult to detect, and an agreement to ban them would raise serious questions about verifiability.''

Most significantly, Fred Eimer, former Assistant Director of the Arms Control and Disarmament Agency and chief verification expert for both the Reagan and Bush administrations, wrote to me this past Sunday stating his opposition to the CTBT.

Dr. Eimer noted that: ''Other nations will be able to conduct militarily significant nuclear tests well below the verification threshold of the Treaty's monitoring system, and well below that of our own National Technical Means.''

Now, of course, the Administration has claimed on a variety of occasions that the CTBT is ''effectively verifiable.'' It seems, however, that this administration is saying one thing to the Senate and the American people, and admitting quite another thing overseas. I will read into the RECORD the criticism that was leveled against the CTBT on August 1, 1996, by Mr. John Holum—President Clinton's ACDA Director—when he was in Geneva. Mr. Holum stated:

> The United States' views on verification are well known: We would have preferred stronger measures, especially in the decision-making process for on-site inspections, and in numerous specific provisions affecting the practical implementation of the inspection regime. I feel no need to defend this view. The mission on the Conference on Disarmament is not to erect political symbols, but to negotiate enforceable agreements. That require effective verification, not as the preference of any party, but as the sine quo non of this body's work. . . . On verification overall, the Treaty tilts toward the 'defense' in a way that has forced the United States to conclude, reluctantly, that it can accept, barely, the balance that Ambassador Ramaker has crafted.

''Reluctantly''?

''Accept, barely''?

Does this sound like a ringing endorsement of the CTBT's verification regime? I would say this is tantamount to ''damnation by faint praise''.

The fact of the matter is that the CTBT's much-vaunted international monitoring system (IMS) was only designed to detect ''fully coupled'' nuclear tests down to one kiloton, and cannot detect evasive nuclear testing. Any country so-inclined could easily muffle its nuclear tests by conducting them in natural cavities (such as salt domes or caverns) or in man-made excavations. This technique can reduce the seismic magnitude of a test by a factor of 70. In other words, countries can conduct tests of up to 60 kilotons without being detected by the IMS.

Every country of concerns to the United States is technically capable of decoupling its nuclear explosions. In other words, countries such as North Korea, China, and Russia will be able to conduct very significant work on their weapons programs without fear of detection by the IMS. I point out to Senators that, according to Department of Energy data, 56 percent of all U.S. nuclear tests were less than 20 kilotons in yield. Such tests, if decoupled, would all have been undetectable by the IMS. In other words, one out of every two nuclear tests ever conducted by the United States would not have been detected by the IMS—had the U.S. chosen to mask its program. I fail to see how the administration does not think this monitoring deficiency is not militarily significant.

Moreover, claims that the IMS will provide new seismic monitoring capabilities to the United States are ludicrous. The vast majority of seismic stations listed in the CTBT already exist, and were funded by the U.S. taxpayer; 68 percent of the ''Primary Seismological Stations,'' and 47 percent of the ''Auxiliary'' stations called for under the treaty already are in place because the United States put them there years ago. I repeat, the only reason the IMS has any value to the United States is because it was already U.S. property long before the CTBT was negotiated.

So where are the additional 32 percent of the stations going to be located? In places such as the Cook Islands, the Central African Republic, Fiji, the Solomon Islands, Cameroon, Niger, Bolivia, Botswana, Costa Rica, Samoa, and so on and so forth. There is no benefit to having seismic stations in these places. In other words, Mr. President, the CTBT will provide zero benefit to our nuclear test monitoring.

In fact, it is going to make life more difficult for the United States. The same ''overselling'' of the IMS that is going on here in the United States is also occurring internationally. Ultimately, this is going to cause great problems for the United States in arguing that a country has violated the treaty when the much-vaunted IMS has not detected anything. Few nations are likely to side with the United States in situations where the IMS has not detected a test.

Moreover, the IMS also will complicate U.S. efforts by providing false or misleading data, which in turn will be used by countries to conceal treaty violations. Specifically, the CTBT fails to require nations to ''calibrate'' their regional stations to assess the local geology.

Naturally, countries such as Russia and China have refused to volunteer to do so. By consequence, these stations will record data that will be inconsistent with U.S. national information

and will be used to argue against U.S. on-site inspection initiatives.

While it is important to realize the deficiencies of the CTBT's seismic monitoring regime, it also is a fact that several treaty provisions will severely impair the ability of any on-site inspection, if launched, to uncover credible evidence of a violation. First, the aforementioned failure to calibrate regional stations will introduce inaccuracies in the location of suspicious events, creating a broader inspectable area than otherwise would be the case. Second, if the United States requests an inspection, no U.S. inspectors would be allowed to participate, and the country in question can refuse to admit other specific inspectors. Third, the treaty allows for numerous delays in providing access to suspect sites, which will cause dissipation of most of the best technical signatures of a nuclear test.

Indeed, in the case of low-yield testing, there are few enough observable signatures to begin with, and on-site inspections are unlikely to be of use at all. Finally, the inspected party is allowed to restrict access under the treaty and to declare up to 50 square kilometers as being ''off-limits.'' As UNSCOM found with Iraq, any time a country is given the right to designate sites as off-limits to inspectors, the inspection regime is undermined.

In conclusion, the IMS and the inspection regime is likely to be so weak that I would not be surprised if countries such as Iraq and North Korea did not ultimately sign and ratify. Because of the technical impossibility of verifying a zero-yield test ban, such rogue regimes can credibly claim to adhere to a fraudulent, unverifiable norm against testing without fear of ever getting caught.

The only puzzling question for me, Mr. President, is why, with a Vice President who knows the truth quite well, does the Clinton administration continue to insist otherwise?

Mr. AKAKA. Mr. President, I rise in support of the Senate giving its advice and consent to the Comprehensive Test Ban Treaty (CTBT).

Debate on the CTBT has unfortunately become politicized. It should not be. The series of hearings held in the Armed Services Committee and the Foreign Relations Committee were fair and serious. I was impressed by the intelligent discussion and debate. But I wish that we had heard more. As Senator HAGEL indicated in his statement on the floor, we should not be compressing debate on this issue. We should hold more extensive hearings.

This treaty is about the future. It is about making a world more secure from the threat of nuclear war. This issue is too important, too important for the Senate of the United States not to have held hearing after hearing on all aspects of the treaty. Such hearings would, in my view, have better clarified all the benefits of the Treaty.

I have supported the treaty, I continue to support the treaty, and I will vote for the treaty, not because it is perfect—the CTBT does not mean an end to the threat of nuclear war or nuclear terrorism or nuclear proliferation, but it does represent a step in the right direction of containing these threats.

Let us be clear on what not ratifying the CTBT means:

A vote against the CTBT is a vote for the resumption of nuclear testing by the United States.

A resumption of nuclear testing is the clear consequence of the criticism by opponents of the CTBT that the stockpile Stewardship Program is not sufficient to guarantee the safety, reliability and performance of the nation's nuclear weapon stockpile.

Critics of the Stockpile Stewardship Program argue that only actual testing can preserve our nuclear deterrence. Indeed at least one witness testifying before the Armed Services Committee advocated a resumption of 10 kiloton testing. That means testing a weapon almost the size of what was dropped on Hiroshima.

I do not believe that the American public wants to see the resumed testing of Hiroshima-sized nuclear weapons.

Nor do I believe such testing is necessary, not as long as America persists in investing sufficient resources in the Stockpile Stewardship Program.

Yes, there are uncertainties about the ability of the Stewardship Program over time to be successful. As the Director of Los Alamos National Laboratory, John Browne, has testified, ''the average age of the nuclear stockpile is older than at any time in history, and nuclear weapons involve materials and technologies found nowhere else on earth.'' And as his colleague at the Lawrence Livermore laboratories, Bruce Tarter, stated, ''the pace of progress must be quickened. Much remains to be accomplished, and the clock is running.''

Indeed, the United States has no alternative to the Stockpile Stewardship Program unless we want to return to the level of nuclear testing that we saw prior to President Bush ordering a moratorium on testing in 1992.

I ask unanimous consent that a chart demonstrating the number of United States nuclear tests, from July 1945 through September 1992, be printed in the RECORD following my remarks.

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

(See Exhibit 1.)

Mr. AKAKA. The United States needs to train people, design equipment, and to invent new techniques if it is going to preserve the safety and reliability of its nuclear deterrent. The Stockpile Stewardship Program can accomplish all of these objectives.

The Stockpile Stewardship Program has had problems but it has made great progress. As Director Tarter noted, it has opened up new possibilities for weapons science not even contemplated a few years ago.

This is the future: one of science, not one of testing.

As a strong advocate of National Missile Defense, I have been struck by how some are willing to have such extraordinary confidence in the ability of American scientist and engineers to overcome problems in missile defense but do not seem to place the same confidence in the ability of American scientists and engineers to do the same with stockpile stewardship.

Choosing the path of science does not mean the United States cannot test if science proves inadequate to practice. The assurances contained in the President's six safeguards attached to this treaty mean that, if necessary, we can resume testing. I have full confidence in this President or any future President being willing to take this extraordinary step, and I have full confidence that this or any future Congress will back that President up should such a decision to return to testing be necessary.

Supporting the CTBT does not preclude America from taking whatever steps are necessary to preserve our national security.

I would argue, as have many of my colleagues, and interestingly enough, many of our allies, that ratification of the treaty helps preserve American security by locking in our nuclear superiority and limiting the abilities of other nations to match our nuclear capability. Our allies, who benefit from the security of the American nuclear umbrella, want the CTBT because they know it enhances, not detracts, from their security.

Yes, it is true that the treaty will not prevent proliferation absolutely. A country does not need to conduct nuclear tests to have a nuclear capability. But will it have a reliable weapons system? I do not think so.

Yes, it is true that the CTBT will not prevent a country from trying to hide small scale nuclear tests. But I believe that the international monitoring system which will be in place as well as the United States' own national technical means will be so extensive that any test will be detected. That country will then be subject to an international inspection. Some suggest that the United States will not be able to gain a consensus for such an inspection. I do not see why not: it will be in the interest of all signatories to ensure that no countries violate the agreement. I cannot envision a majority of states not agreeing to an inspection of a suspected nuclear test.

I do not know if the CTBT will create a new international norm discouraging nuclear weapons development. I do know that the CTBT will make such development technically more difficult to do and politically more difficult to deny.

Let me conclude by asking this simple question: do my colleagues who oppose the CTBT want our country to resume nuclear testing?

If not, then I suggest that the only course is to invest in the Stockpile Stewardship Program. I say, give

American science a chance. Invest in the future of weapons science, not in the past of weapons testing by ratifying the Comprehensive Test Ban Treaty.

EXHIBIT NO. 1

	U.S.	U.S.–U.K.
Total tests by calendar Year:		
1945	1	0
1946	2	0
1947	0	0
1948	3	0
1949	0	0
1950	0	0
1951	16	0
1952	10	0
1953	11	0
1954	6	0
1955	18	0
1956	18	0
1957	32	0
1958	77	0
1959	0	0
1960	0	0
1961	10	0
1962	96	2
1963	47	0
1964	45	2
1965	38	1
1966	48	0
1967	42	0
1968	56	0
1969	46	0
1970	39	0
1971	24	0
1972	27	0
1973	24	0
1974	22	1
1975	22	0
1976	20	1
1977	20	0
1978	19	2
1979	15	1
1980	14	3
1981	16	1
1982	18	1
1983	18	1
1984	18	2
1985	17	1
1986	14	1
1987	14	1
1988	15	0
1989	11	1
1990	8	1
1991	8	1
1991	7	1
1992	6	0
Total tests	1,030	24
Total tests by location:		
Pacific	4	0
Johnston Island	12	0
Enewetak	43	0
Bikini	23	0
Christmas Island	24	0
Total Pacific	106	0
Total S. Atlantic	3	0
Underground	604	24
Atmospheric	100	0
Total NTS	813	24
Central Nevada	1	0
Amchitka, Alaska	3	0
Alamogordo, New Mexico	1	0
Carlsbad, New Mexico	1	0
Hattiesburg, Mississippi	2	0
Farmington, New Mexico	1	0
Grand Valley, Colorado	1	0
Rifle, Colorado	1	0
Fallon, Nevada	1	0
Nellis Air Force Range	5	0
Total Other	17	0
Total tests	1,030	24
Total tests by type:		
Tunnel	67	0
Shaft	739	24
Crater	9	0
Total underground	815	24
Airburst	1	0
Airdrop	52	0
Balloon	25	0
Barge	36	0
Rocket	12	0
Surface	28	0
Tower	56	0
Total atmospheric	210	0
Total underwater	1,030	24
Total tests	1,030	24

Total detonations by purpose: Joint US–UK, 24 detonations; Plowshare, 35 detonations; Safety Experiment, 88 detonations; Storage-Transportation, 4 detonations; Vela Uniform, 7 detonations; Weapons Effects, 98 detonations; Weapons Related, 883 detonations.

176 detonations (1980–1992) 14 detonations (1980–1992).

Note: Totals do not include two combat uses of nuclear weapons, which are not considered ''tests.'' The first combat detonations was a 15 kt weapon airdropped 08/05/45 at Hiroshima, Japan. The second was a 21 kt weapon airdropped 08/09/45 at Nagasaki, Japan.

Mr. HELMS. Mr. President, yesterday President Clinton sent a written request to the Senate asking that we ''postpone'' a vote on the CTBT. In light of the President's outburst on Friday lashing out at Senate Republicans, and his adamant declaration that he would never submit a written request asking the Senate to withdraw the CTBT from consideration, his decision to send just such a letter is interesting.

His letter, was a baby-step in the right direction, insufficient to avert a vote on the CTBT today. The President is clearly playing poker with the Senate, but he doesn't have a winning hand, and I think he knows it.

The President sent this letter only because he realizes he has failed to make a compelling case for the treaty, and failed to convince two-thirds of the Senate that this treaty is in the national interest. He knows that if we vote on the CTBT today, the treaty will be defeated.

His letter did not meet both the criteria set by me and others. For example, he requested: (a) that the treaty be withdrawn and (b) that it not be considered for the remainder of his presidency.

The President has repeatedly dismissed the critics of this treaty as playing politics. Look who's talking. In his mind, it seems, the only reason anyone could possibly oppose this treaty is to give him a political black eye. Putting aside the megalomania in such a suggestion, accusing Republicans of playing politics with our national security was probably not the most effective strategy for convincing those with substantive concerns about the treaty.

The fact is, we are not opposed to this treaty because we want to score political points against a lame-duck Administration. We are opposed because it is unverifiable and because it will endanger the safety and reliability of our nuclear arsenal. The White House and Senate Democrats have failed to make a compelling case to the contrary. That is why the treaty is headed for defeat.

Of course, treaty supporters want to preserve a way to spin this defeat into a victory, by claiming that they have managed to ''live to fight another day.'' That's probably the same thing they said after President Carter requested the SALT II Treaty be withdrawn. But they will be fooling no one but themselves.

Before this debate is over, it must be made clear that to one and all this CTBT is dead—and that the next President will not be bound by its terms. The next administration must be left free to establish its own nuclear testing and nuclear non-proliferation policies, unencumbered by the failed policies of the current, outgoing administration.

Without such concrete assurances that this CTBT is dead, I will insist that the Senate proceed as planned and vote down this treaty.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the hour of 4:30 p.m. having arrived, the Senate will now return to legislative session.

AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2000—CONFERENCE REPORT

The PRESIDING OFFICER. The Senate will now resume consideration of the conference report to accompany H.R. 1906, which the clerk will report by title.

The legislative assistant read as follows:

A bill (H.R. 1906) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2000, and for other purposes.

The Senate resumed consideration of the conference report.

The PRESIDING OFFICER. The Senator from Mississippi is recognized.

Mr. COCHRAN. Madam President, I am pleased to present to the Senate the conference report on H.R. 1906, the Fiscal Year 2000 Agriculture Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act.

The conference agreement provides total new budget authority of $60.3 billion for programs and activities of the U.S. Department of Agriculture with the exception of the Forest Service, which is funded by the Interior appropriations bill.

The Food and Drug Administration and Commodity Futures Trading Commission are included also, and expenses and payments of the farm credit system are provided.

The bill reflects approximately $5.9 billion more in spending than the fiscal year 1999 enacted level and $6.6 billion less than the level requested by the President.

It is $418 million less than the House-passed bill level and $391 million less than the Senate-passed bill level.

I must point out that we, of course, are constrained with the adoption of this conference report by allocations under the Budget Act. The bill is consistent with the allocations that have been made to this subcommittee under the Budget Act, and it is consistent in other respects with the Budget Act.

The increase above the fiscal year 1999 enacted level reflects the additional $5.9 billion which the administration projects will be required to reimburse the Commodity Credit Corporation for net realized losses.

The conference report also provides an additional $8.7 billion in emergency appropriations to assist agricultural

producers who experienced weather-related agricultural and market losses during 1999.

This was a difficult conference. We met on two occasions. House conferees at one point asked for a recess in our deliberations to discuss some of the difficult issues that were confronting the conferees. As a matter of fact, after the request for the recess for a conference among House conferees, we never were able to get back into a formal meeting with the House conferees. It was an unusual procedure because of that.

Negotiations took place Member to Member, Senator to conferee among a lot of interested Members of the House and Senate on a wide range of issues. Some of the most contentiously involved issues weren't in the bill, one of which was the dairy proposal for reauthorization of the Northeast Dairy Compact, and an authorization for additional regional compacts.

There was a discussion of the Senate-passed provision relating to sanctions and trying to change the policy by changing the statute with respect to the authority of the President to impose unilateral sanctions against the export of U.S. agricultural commodities.

These involve situations where we are trying to influence the conduct of other nations using interruption in trade from the United States to put pressure on these other countries. Senator ASHCROFT of Missouri had led the effort in the Senate to put language in the Senate bill on that subject.

The House conferees insisted on a provision that would have imposed special restrictions on trade with Cuba. This ended up being a very difficult issue to resolve, and finally was left out of the conference report at the insistence of the House.

We tried to work out other disagreements.

We think that it is a balanced bill, and it addresses a wide range of needs for funding for this next fiscal year—agricultural research, food and nutrition programs, agricultural support programs, conservation programs—trying to insist that we do an effective job to protect the environment as it relates to agricultural production and the needs of production agriculture.

I hope the Senate will look with favor on the bill. The House adopted the conference report on October 1, I believe, by a substantial margin. We hope the Senate will look with favor and act accordingly.

Including Congressional budget scorekeeping adjustments and prior-year spending actions, this conference agreement provides total non-emergency discretionary spending for fiscal year 2000 of just under $14 billion in budget authority and $14.3 billion in outlays. These amounts are consistent with the revised discretionary spending allocations established for this conference agreement.

It was a difficult conference. After two meetings, the House conferees requested a recess. Because of some intractable issues, the House proposed to bring the conference to a close without reconvening the conference committee. This was not a procedure I preferred, but one that was necessary to reach a conference agreement on this appropriations measure so that it could be approved by the Congress and sent to the President as close as possible to the start of the new fiscal year. I wish to thank the ranking member of the subcommittee, my colleague from Wisconsin, Senator KOHL, and the chairman of the House subcommittee, Congressman SKEEN for their hard work on this bill and their cooperation in achieving this conference product.

I am pleased to report that this conference report provides increased funding of $51.9 million for activities and programs in this bill which are part of the administration's ''Food Safety Initiative.'' In addition, the conference report provides $649 million for the Food Safety and Inspection Service, an agency critical to maintaining the safety of our food supply, $32 million more than the fiscal year 1999 level.

This conference agreement also provides increased appropriations for agriculture research programs. An appropriation of $834 million is provided for the Agriculture Research Service, $49 million more than the fiscal year 1999 level and $25 million more than the Senate-passed bill level. Total funding of $950 million is provided for research, education, and extension activities of the Cooperative State Research, Education and Extension Service, $31 million more than the fiscal year 1999 level and $19 million more than the Senate-passed bill level.

Approximately $35 billion, close to 58 percent of the total new budget authority provided by this conference report, is for domestic food programs administered by the U.S. Department of Agriculture. These include food stamps; commodity assistance; the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC); the school lunch and breakfast programs; and the new school breakfast pilot program funded at $7 million. The conference adopted an appropriations level of $4,032 billion for the WIC program, $6 million less than the Senate bill level and $27 million more than the level recommended by the House. More recent data on actual participation rates and food package costs indicates that this appropriation will be sufficient to maintain a 7.4 million average monthly WIC participation level in fiscal year 2000.

For farm assistance programs, the conference report provides $1.2 billion in appropriations. Included in this amount is the full increase of $80 million above the fiscal year 1999 level requested by the administration for Farm Service Agency salaries and expenses, as well as appropriations to meet or exceed the fiscal year 2000 farm operating and farm ownership loan levels included in the President's budget request.

Appropriations for conservation programs administered by the Natural Resources Conservation Service total $813 million, $13 million more than the House bill level and $5 million more than level recommended by the Senate.

For rural economic and community development programs, the conference report provides appropriations of $2.2 billion to support a total loan level of $7.6 billion. Included in this amount is $719 million for the Rural Community Advancement Program, $640 million for the rental assistance program, and a total rural housing loan program level of $4.6 billion.

A total of $1.1 billion is provided for foreign assistance and related programs of the Department of Agriculture, including $113 million in new budget authority for the Foreign Agricultural Service and a total program level of $976 million for the P.L. 480 Food for Peace Program, $39 million above the budget request.

Total new budget authority for the Food and Drug Administration is $1.1 billion, $70 million more than the fiscal year 1999 level and $5.1 million more than the Senate-passed bill level, along with an additional $145 million in Prescription Drug Act and $14.8 million in mammography clinics user fee collections. Included in the appropriation for salaries and expenses of the Food and Drug Administration is the full $30 million increase requested in the budget for food safety, along with the Senate-recommended increase of $28 million for premarket approval activities. The additional funding provided to the FDA for premarket approvals will hopefully enable the agency to speed up device, drug, food additive, and other product review times to prevent unnecessary delays in getting new products to the market.

For the Commodity Futures Trading Commission, $63 million is provided; and a limitation of $35.8 million is established on administrative expenses of the Farm Credit Administration.

Title VIII of this conference report provides emergency relief to agricultural producers and others who have suffered weather-related and economic losses. Senators may recall that during consideration of this bill in the Senate, an amendment was adopted providing over $7.6 billion in disaster assistance for agricultural producers. The conference agreement essentially retains the amendment adopted by the Senate and provides $1.2 billion for 1999 crop losses for a total of $8.7 billion.

Included in the emergency assistance provided is: $5.54 billion for market loss assistance; $1.2 billion for crop loss assistance; $475 million for soybean producers; $400 million for 2000 crop insurance discounts; $328 million for tobacco producers; $325 million for livestock and dairy producers; $82 million for producers of certain speciality crops; and reinstatement of the cotton step-2 program.

On May 14 of this year, the conferees on the Hurricane Mitch and Kosovo

supplemental appropriations bill included language in the statement of managers recognizing the likelihood that additional disaster assistance would be needed for agricultural producers this year. The conferees called on the Administration to submit requests for supplemental appropriations once it determined the extent of the needs.

In June, 21 Senators joined me in writing the President to bring this statement of managers language to his attention and to invite the administration to submit a request for supplemental appropriations. As of today, we have received no response to our letter nor a request for any funds for farmers. Other Members of Congress have made similar requests of the administration with the same result.

On September 15, 1999, the Secretary of Agriculture testified before the House Agriculture Committee that the estimated needs for crop losses was between $800 million and $1.2 billion. This bill provides the full $1.2 billion that the Secretary estimated was needed. While I understand that these estimates were issued prior to Hurricane Floyd, it is my understanding that damage estimates are still being formulated.

A USDA press release dated September 17, 1999, states:

> The Congress, along with the Clinton Administration, is also currently working on emergency farm legislation which, if enacted, could offer additional assistance to farmers and ranchers in North Carolina, as well as other states affected by natural disasters.

I do not believe we should delay disaster assistance until these estimates are complete. I believe we should take care of what we know is needed now and come back to address new estimates when they are received from the Administration.

Mr. President, this administration does not deserve credit for one penny of the emergency assistance in this bill. It has been ''sitting on the fence.'' It has submitted no requests for funding, nor offered any assistance in formulating this plan.

Other Senators may be concerned that this legislation does not contain legislative provisions regarding dairy or to relax unilateral sanctions on food and medicine. Senators should remember that neither the House nor the Senate versions of this bill included legislative provisions regarding dairy policy. Therefore, it was beyond the scope of this conference.

With respect to sanctions reform, this Senator supports sanctions reform like the majority of other members who voted for the sanctions amendment during Senate consideration of this bill, but an appropriations bill is not the right vehicle for the enactment of this large policy issue. Further, on July 26, the Senate voted 53 to 45 to reinstate rule 16, which prohibits legislating on an appropriations bill.

Mr. President, this conference report was filed on Thursday night, September 30, and was passed the following morning by the House of Representatives. Senate passage of this conference report today is the final step necessary to send this fiscal year 2000 appropriations bill to the President for signature into law.

I urge my colleagues to adopt this conference report. Many of our farmers and ranchers continue to face an economic crisis. Others continue to suffer from extreme weather conditions, including severe drought and flooding. It is time we act now to provide them some relief and this conference report, when signed into law, will do that.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Madam President, at the outset, I compliment my distinguished colleague from Mississippi for the outstanding work that he has done as chairman of the Agriculture Subcommittee of Appropriations.

I have had the pleasure to work with Senator COCHRAN for some 19 years now. We have been on the subcommittee together for that time and the full committee for that time. There is no more difficult area in the Senate than working out a farm bill on the Agriculture appropriations bill because, candidly, the farmers are faced with so many problems. These are subjects very near and dear to my heart because I grew up in farm territory in the State of Kansas. I was born in Wichita and moved to Russell County, KS, when I was 12, worked on a farm as a teenager, drove a tractor, and have some firsthand experience with the problems which the agricultural community has.

I am very much concerned with a number of provisions in the bill. I declined to sign the conference report, and with great reluctance because of the hard work that the chairman has done and others have done. I intend to vote against the conference report, although I think there are enough votes present to pass it. There is a cloture motion pending. The issue has been raised as to whether there would be an attempt to filibuster. It may be that the issues can be worked out without a filibuster. I hope the issues can be worked out. But if the filibuster vote comes up I will vote against cloture to continue the consideration of this issue, even though I realize fully the importance of resolving our appropriations bills in the very immediate future.

The reasons that I am concerned about the provisions of the bill relate to two issues.

First, it is my view that Mid-Atlantic States, and my State of Pennsylvania specifically, have not gotten a fair share of the disaster assistance. The Agriculture appropriations bill provides for $8.7 billion in disaster assistance. But the vast majority of this money goes to farmers in the Midwest to compensate for low commodity prices. It may be that the disaster assistance is a broader category than you might expect, or perhaps the disaster assistance is modified by the fact that some $7.5 billion goes to the Midwest to compensate for low commodity prices. Only $1.2 billion is provided for natural disasters. That $1.2 billion must compensate not only for the drought but also the disasters including Hurricane Floyd, flooding in the Midwest, livestock loss, and fishery loss. Pennsylvania alone has sustained $700 million in drought loss. The Mid-Atlantic States have suffered $2.5 billion as a result of the drought this summer.

Year after year, Northeastern and Mid-Atlantic Senators have supported massive aid packages to farmers in the Midwest—some $17 billion between August 1998 and June 1999. Now that the Mid-Atlantic farmers are facing a real crisis, my view is the Congress has not provided sufficient compensation.

There is another issue of concern; that is, the amendment which I was prepared to offer in the conference. Senator COCHRAN has accurately described the conference. It was rather anomalous.

At about 7:15, the House conferees asked for a recess of 10 to 15 minutes. And more than an hour and a half later they had not returned.

Although many of the conferees wanted to vote to extend the Northeast Dairy Compact and to allow Pennsylvania, New York, Maryland, New Jersey, and Virginia to join, the leadership in the House was opposed. I believe the Northeast Compact ought to be reauthorized, and a number of States, including Pennsylvania, ought to be permitted to join.

Without going into elaborate arguments, this is to provide price stability without any cost to the Government, but to the benefit of consumers. The price fluctuated from as much as $17.34 in December of 1998 to a little over $10 in January of 1999. With that kind of instability, it is very difficult on the farmers.

There is another issue about option 1–A which some 60 Senators and 240 House Members have recommended; contrary to that very large majority, the Secretary of Agriculture proposed a rule which was different, 1–B. Dairy compact legislation was offered on April 27, 1999, by Senators JEFFORDS and LEAHY. I joined with 40 cosponsors. When the Senate considered the issue of dairy pricing and compacts on August 4, 1999 on a vote for cloture, we received 53 votes—short of the 60 majority.

It is my hope yet we will work out the compact for the Northeastern United States and also the 1–A pricing. These are matters which impact very heavily upon my State and upon the farmers far beyond my State as a national matter.

With reluctance, I intend to vote against the conference report and to support the postcloture for extended debate to try to bring about greater equities.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nebraska is recognized.

Mr. KERREY. Madam President, I rise in support of the conference report, though I have many of the same reservations I heard the Senator from Pennsylvania express. I was not present to hear the comments of the Senator from Mississippi, but I suspect he has reservations about the conference report, as well.

As was pointed out, the conference was adjourned as a result of the decision by the House not to come back. Many matters that were not in this conference report such as sanctions, probably would have been in the report. My guess is we are moving toward some kind of resolution of that particular issue that did not make it into the conference report.

We did not get additional money in the legislation for Farm Service Agency employees. I think we will need that. I don't think it is fair to ask the Farm Service Agency to find the money from other programs, that basically the farmers will have to pay to deliver this program themselves.

There was an effort to get—and I think we have succeeded—bipartisan support to provide some resources for a very heavily attacked sector of our agricultural economy, the hog industry, where there are not only low prices but also significant structural changes going on. We had an innovative proposal for cooperatives that enabled Members to come up with a win-win solution without having to put a bunch of money in the program and enabled Congress to use some ideas that this very important part of our agricultural sector had worked out on their own. I regret that is not in this legislation.

There are a number of other things I would prefer to see included, and as a consequence I was disappointed that the conferees were not able to complete their work. Nonetheless, this is an extremely important piece of legislation for Nebraska. I appreciate in the Northeast there are some concerns there may not be a sufficient amount of resources in this bill to satisfy concerns, but the problem, of course, is that most of the disaster occurs as a consequence of problems with low prices that are affecting the feed grain section, and rice and cotton as well. That is where the big money is. Most of the crops are not grown in the Northeast and that tends to produce apparent inequities. There is almost nothing we can do about that kind of inequity.

In the legislation I appreciate the inclusion of mandatory price reporting. The chairman and I had a little colloquy on that a year or so ago. I appreciate that being included in this legislation. A great deal of effort has been made in the meantime since last year's Agriculture appropriations bill between lots of different sectors of the involved economy: the livestock producers, packers, and feedlot operators. I appreciate that is in the legislation because I think it is a very important part of trying to make the market work to enable people who are running cow-calf operations and feedlot operations to get good price discovery. It is simply a way to ensure that the restructuring that is going on in the industry doesn't prevent the kind of price discovery needed in order to get a good market functioning.

Last, I think this growing requirement to come back to Congress to fund disaster programs underscores the urgency of reexamining the Freedom to Farm contract that was not supposed to expire until 2002. Remember, in 1996, we promised the Freedom to Farm bill would be a lot less expensive than previous farm bills. We have already spent more than we anticipated for the entire 7 years of the program in the first 4 years alone. Obviously, we are not done. We are heading to a point where we will spend as much as we did at the peak of the 1980s.

Talking to farmers where I come from in Nebraska, I am hard pressed to find many that think Freedom to Farm has worked. They are not very enthusiastic about getting another big check from the Government. They would rather have modifications in the farm bill similar to what the Nebraska corn growers presented to the House agricultural committee hearing in Nebraska, saying bring back the farmer loan reserve, uncap the loan rates, make some adjustments in the center on trade, on sanctions. There are lots of things that can be done to make the program better. My hope as we consider this additional disaster payment is that we understand there is a way to operate this farm program and spend a lot less money.

In all the talk about the failed farm policies of the past, we never spent more than $6 billion a year through the 1970s when we had a system called normal crop acreage. It was not the heavy hand of government. There was a single base planted; farmers had flexibility coming in. If farmers wanted to have Freedom to Farm, they didn't have to sign up for the farm program. It ought to be voluntary. We had a program in the 1970s that was a lot more efficient, a lot less costly, and a lot more flexible for the farmer. This is getting more and more complicated, more and more difficult, with more and more trips to the Farm Service Agency than anybody anticipated.

My hope, as we debate this conference report, is that one of the things we start to consider is that in 2000 the Senate Agriculture Committee needs to take up, as the House Agriculture Committee will do, the question of whether or not we ought to rewrite Freedom to Farm in order to not only save the family farm but also to save the taxpayer getting repeatedly hit for the bills of agricultural disasters that may not be created by Freedom to Farm.

I see my good friend down here, Senator ROBERTS of Kansas. He heard me talking about Freedom to Farm and he rushed to the floor to defend himself. I am not saying that Freedom to Farm has caused the problem. I am simply saying I do think it is time to reexamine it. We should do it in a calm and bipartisan fashion. This Freedom to Farm is getting more and more expensive with fewer and fewer satisfied customers.

Last, I also hope the Senate Agriculture Committee will be able to resolve some differences that we have over crop insurance and we can enact crop insurance reform yet this year. The Senate conference with the House has already taken action. This is by no means the only thing we need to do to help people manage the risk, but Senator ROBERTS and I have listened to farmers, written a bill, we have almost 20 cosponsors, a majority of people on the Agriculture Committee. The distinguished chairman of the committee has some terrific ideas, as well, incorporated in his legislation.

My hope is, with 14 legislative days remaining, we can pass that out of the Senate Agriculture Committee and take it up on the floor, pass it here, get it to conference with the House, and get that signed and on to the President. There is money in the budget to do it. There is money in the disaster program to make it easier for people to afford the premiums.

It is consistent with what most of us have been talking about in terms of trying to give the farmers something they can use to manage their risk.

I say finally, I appreciate very much the difficulty the distinguished chairman of this subcommittee has had. Senator COCHRAN had no easy task of trying to produce a conference report. There are things in it I would love to change. I know I cannot change them. But I will vote for this legislation and hope the President will sign it and hope it gets into law as quickly as possible so cash can get into the hands of people who desperately need it in order to survive.

Mr. JEFFORDS addressed the Chair.

The PRESIDING OFFICER (Mr. ROBERTS). The Senator from Vermont. Who yields time to the Senator from Vermont?

Mr. COCHRAN. Mr. President, on behalf of the leaders on this side, I yield such time as he may consume to the distinguished Senator from Vermont.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. JEFFORDS. Mr. President, I thank the chairman of the subcommittee for all his tremendous work on this bill. Most of what I wanted, however, did not succeed. It was not because of his lack of effort. He has put a tremendous amount of time in trying to make the bill more acceptable to those of us who live in the Northeast.

It is with great disappointment that I stand before the Senate to express my reasoning for opposing the fiscal year 2000 Agriculture appropriations bill, the bill that provides funding for agriculture programs, research and services for American agriculture.

In addition, the bill provides billions of dollars of aid for farmers and ranchers throughout America who have endured natural and market disasters. However, and most unfortunately, it neglects our Nation's dairy farmers.

I understand the importance of funding these programs and the need to provide relief for farmers. However, dairy farmers throughout the country and the drought stricken Northeast and mid-Atlantic regions have been ignored in this bill. For these reasons, I must vote against this bill.

The Agriculture appropriations bill provides $8.7 billion in assistance to needy farmers across the country. I believe they should receive the help of the Federal Government. What is troubling is that dairy farmers are not asking for Federal dollars, but instead are asking for a fair pricing structure for their products, at no cost to the Government.

The drought-stricken Northeastern States are not asking for special treatment, just reasonable assistance to help deal with one of our region's worst drought.

Weather-related and market-related disasters do occur and we must as a nation be ready help those in need. In Vermont, in times of need, a neighbor does not have to ask another for help. Vermonters are willing to help, whether it is plowing out a neighbors snow covered driveway or delivering hay to Midwestern States during one of their worst droughts, which we did some years ago to save Wisconsin and Minnesota from terrible problems.

This summer weather conditions in the Northeastern and mid-Atlantic put a tremendous strain on the region's agricultural sector. Crops throughout the region were damaged or destroyed. Many farmers will not have enough feed to make it through this winter. Water for livestock and dairy operations dried up, decreasing production and health of the cows.

The Northeastern and mid-Atlantic States were not asking for much. Just enough assistance to help cope with the unpredictable Mother Nature.

America's dairy farmers need relief of a different kind. There is no need for the expenditure of Federal funds. Commodity farmers are asking the government for relief from natural and market disasters. Dairy farmers are asking for relief from the promised Government disaster in the form of a fair pricing structure from the Secretary of Agriculture. That is all we are asking.

Unless relief is granted by correcting the Secretary's Final rule and extending the Northeast Dairy Compact, dairy farmers in every single State will sustain substantial losses, but not because of Mother Nature or poor market conditions, but because of the Clinton administration and a few here in Congress have prevented this Nation's dairy farmers from receiving a fair deal.

Unfortunately, Secretary Glickman's pricing formulas are fatally flawed and contrary to the will of Congress. The Nation's dairy farmers are counting on this Congress to prevent the dairy industry from being placed at risk, and to instead secure its sound future.

Secretary Glickman's final pricing rule, known as Option 1–B, was scheduled to be implemented on October 1 of this year. However, the U.S. District Court in Vermont has prevented the flawed pricing rule from being implemented by issuing a 30 day temporary restraining order on Secretary Glickman's final rule. The court finds that the Secretary's final order and decision violates Congress' mandate under the Agriculture Marketing Agreement Act of 1937 and the plaintiffs who represent the dairy farmers would suffer immediate and irreparable injury from implementation of the Secretary's final decision.

The temporary restraining order issued by the U.S. district court has given Congress valuable additional time to correct Secretary Glickman's rule.

We must act now. With the help of the court, Congress can now bring fairness to America's dairy farmer and consumers.

Instead of costing dairy farmers millions of dollars in lost income, Congress should take immediate action by extending the dairy compact and choosing Option 1–A.

The Agriculture appropriations bill which includes billions of dollars in disaster aid seemed like the logical place to include provisions that would help one of this country's most important agricultural resources without any cost to the Federal Government.

Giving farmers and consumers a reliable pricing structure and giving the States the right to work together at no cost to the Federal Government to maintain a fresh supply of local milk is a noble idea, and it is a basic law of this Nation.

It is an idea that Congress should be working towards. Instead, a few Members in both the House and Senate continue to block the progress and interest of both consumers and dairy farmers.

This Congress has made its intention abundantly clear with regard to what is needed for the new dairy pricing rules. Sixty-one Senators and more than 240 House Members signed letters to Secretary Glickman last year supporting what is known as Option 1–A, for the pricing of fluid milk.

On August 4 of this year, you will recall the Senate could not end a filibuster from the Members of the upper Midwest, but did get 53 votes, showing a majority of the Senate supports Option 1–A and keeping the Northeast Dairy Compact operating. Most recently, the House passed their version of Option 1–A by a vote of 285 to 140.

Both the House and Senate have given a majority vote on this issue. Thus, I felt very hopeful that its inclusion would have been secured in the Agriculture appropriations bill or some other place.

Thanks to the leadership of Chairman COCHRAN, the Senate stood firm on these important dairy provisions in conference. For days he worked hard to hold the line to include these. His farmers should be very appreciative of his efforts to bring about another compact of a demonstration program for the Southeast. The Southeast is another special area of the country that needs help just to organize their pricing system better to help farmers survive.

Although the House would not allow the provisions to move forward, both Chairman COCHRAN and Senator SPECTER led the fight for the dairy provisions. Farmers from Mississippi and Pennsylvania should be proud of the work and commitment of their Senators.

In fact, dairy farmers throughout the country should be thankful for the tremendous support their livelihoods have received from Chairman COCHRAN, Senator SPECTER, Senator BOND, and others on the Agriculture appropriations conference. Since then, there have been opportunities supported by the Senate to extend the compact and both times it failed because of lack of support in the other body.

With the Senate's leadership, the dairy provisions had a fighting chance in the conference committee. Unfortunately, time and time again House Members rebutted our efforts to include Option 1–A and include our dairy compacts in this bill.

If not for the actions of the House conferees dairy farmers could embrace this bill.

The October 1, 1999, deadline for implementation of the Secretary's rule has come and gone, but with the help of the district court, Congress still has time to act.

We must seize this opportunity to correct the Secretary of Agriculture's flawed pricing rules and at the same time maintain the ability of the States to help protect their farmers, without additional cost to the Federal Government, through compacts.

I understand the significance of the disaster aid in this bill and do not want to prevent the farmers and ranchers throughout the country from receiving this aid. However, in order to protect dairy farmers in my State, as well as farmers throughout the country, I most oppose this bill.

Mr. President, I yield the floor.

Mr. DORGAN addressed the Chair.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, how much time remains on this side?

The PRESIDING OFFICER. The minority has 20 minutes 50 seconds.

Mr. DORGAN. Mr. President, I yield myself such time as I may consume.

The PRESIDING OFFICER. The Senator is recognized.

Mr. DORGAN. Mr. President, we are going to be voting on the cloture motion on the Agriculture appropriations conference report. I come without

great enthusiasm for this bill, although I admit there is much in this bill that is important and necessary. The process by which this conference report comes to the Senate is a horribly flawed process.

We face a very serious farm crisis. Part of this legislation deals with that crisis. This appropriations bill deals with the routine appropriations that we provide each year for a range of important things that we do in food safety and a whole range of issues at the U.S. Department of Agriculture and elsewhere dealing with agricultural research and more. But it also deals with what is called the emergency piece in the Agriculture appropriations bill to respond to the emergency in farm country these days.

We have seen prices collapse. We have seen flooding in North Dakota of 3 million acres that could not be planted this spring. We have seen some of the worst crop disease in a century. We have seen substantial problems with the import of grain coming into this country that has been traded unfairly. We have seen the shrinking of the export market with financial problems in Asia. The result has been a buffeting of family farmers in a very tragic way, many of whom are hanging on by their fingertips wondering whether they will be able to continue farming.

We attempted to include some emergency provisions in this piece of legislation. This legislation does, in fact, contain emergency help for family farmers. I wish it contained that help in a different manner than it does. It contains it in a payout called the AMTA payment. This bill will actually double the AMTA payment.

The problem with that is there will be a fair number of people across the country who will receive payments who are not even farming, are not even producing anything, yet they are going to get a payment. There will be people in this country who will get payments of up to $460,000. I expect taxpayers are going to be a little miffed about that. So $460,000 to help somebody? That is a crisis? That is not a family farm where I live. Taking the limits off, and allowing that kind of payment to go out, in my judgment, is a step backward.

Most important, the Senate passed, by 70 votes, a provision that says: Let us stop using food as a weapon. Let us no longer use food and medicine as part of the embargoes that we apply to those countries and governments around the world that we think are behaving badly. By 70 votes, this Senate said: Let us stop using food as a weapon. Let us not use food and medicine as part of an embargo. This conference report does not include that provision because it was dropped. That is a step backward, in my judgment. We ought to have adopted the Senate provision that says: Let us not use food as a weapon. Let us stop using food as part of an embargo.

There was no conference. It started. It went on for a couple of hours. The Senator from Mississippi, Mr. COCHRAN, who chaired it on our side, did the right thing. He opened it up for amendments. We had an amendment, had a vote, and the vote did not turn out right for some other folks in the conference, so they decided to adjourn. That was it. Never heard from them again. Then the leadership decided to put together this bill, and they coupled together a conference report. And so here it rests now for our consideration. I am not enthusiastic about it.

But having said that, I likely will support it because farmers need emergency help, and they need it now. I do want to say that as harsh as I was about this process—and it was an awful process—I made it clear some weeks ago, when I talked about this, that Senator COCHRAN from Mississippi was not part of the reason this process did not work. On our side, he chaired the conference. And he did, I think, what should have been done. He opened it up for discussion, the offering of amendments, and to hold votes. That is exactly the way conferences should work. I applaud the Senator from Mississippi. As always, even under difficult circumstances, he is someone with whom I enjoy working and someone for whom I have great respect.

But in this circumstance, we must pass some emergency help for farmers. This bill contains some of that emergency help. It fails to contain other things that I think are very important. It seems to me, all in all, on balance, this legislation will probably proceed forward; the President will sign it; we will get some help out to family farmers; and come back again and see if we can provide some additional assistance when prices collapse and when that assistance is necessary.

It is especially the case we will need additional disaster help. I do not think the $1.2 billion will do the job that is necessary all around the country to respond to disasters. Senator CONRAD has described on the floor, as have I, the 3 million acres that did not get planted this spring because of flooding. Those producers need help. To be a farmer and not to be able to farm, having all of your land under water, that is what I call a disaster. The amount of money in this bill is not enough to deal with all of these issues all around the country, so I think we are going to have to come back and add to that and try to provide the resources that are necessary.

But again, let me yield the floor because I know others would like to speak. I say to my colleague from Mississippi, I appreciate the fair manner in which he proceeded.

Mr. LEAHY addressed the Chair.

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

Mr. LEAHY. I thank the distinguished Senator from Kansas.

Mr. President, I know time is limited, so I would ask the indulgence of the senior Senator from Mississippi and assume that the RECORD stretched on for hours for the praise I would put upon his shoulders. Actually, I do not say that as facetiously as it may sound.

I have served here for a lot of years. I know of no Senator who is a finer Senator, with more integrity or greater abilities than the senior Senator from Mississippi. On top of that, he is one of the closest friends I have in the Senate. I know he has driven mightily in this bill to include a lot of things necessary for parts of the country, staying within the caps.

My concern is one in the Northeast, that while we hear of talk about supplementals to help us later on—the administration or whoever saying, the check is in the mail—this does not help us. In my little State of Vermont, we have witnessed over $40 million just in drought damage. Most of our feed grains were lost this year. Without some assistance, many of our farmers are not going to make it through the winter. In the last 2 years, they have suffered through an ice storm where it dropped to 30 below zero. There has been flooding and two summers of drought.

Congress authorized $10.6 billion in disaster payments in fiscal year 1999. The Northeast and the Mid-Atlantic got 2.5 percent of that. Today or tomorrow we will likely pass $8.7 billion in disaster assistance. Our farmers will get about 2 cents out of every dollar.

According to Secretary Glickman, the drought resulted in a total of $1.5 to $2 billion in damages already this year. The recent rains did not alleviate that. Our farmers need additional funding now that is targeted for crop, feed, and livestock losses caused by the drought. We need drought funding for the crop loss disaster assistance program to help cover crop losses, livestock feed assistance to address feed shortages, the Emergency Conservation Program to restore failed water supplies.

Without funding targeted drought recovery, most of the $1.2 billion will likely go to the Southern States to recover from Hurricane Floyd. And they need that funding. I am not asking we take that funding away from them. I am asking we take care of their needs, but let's not neglect the needs of the Northeast and the mid-Atlantic States.

I wish we would vote against cloture. Then the President would say, wait a minute, maybe we ought to put together a supplemental request for victims of Hurricane Floyd, so the $1.2 billion in the Agriculture appropriations bill could be used for drought relief.

We in the East, east coast Senators, Northeast Senators, have always been there to vote for disaster assistance for other parts of the country, even though it has not affected us: earthquake assistance for California, flood assistance for the Mississippi Valley, drought assistance in the Upper Plains.

When I became chairman of the Agriculture Committee, I brought the Agriculture Committee out to North and

South Dakota and elsewhere to emphasize why we needed drought relief, even though what we did was going to cost us in the Northeast. Drought relief for Kansas or any other place cost us in increased feed prices, in taxes. But we did it because it was the right thing to do. We have done it in cases of hurricane assistance for Texas, Louisiana, North and South Carolina, Florida, Georgia, and other States. All we would like is somebody to step back and say, wait a minute, why don't we get back to the administration and say, what are you going to request so this actually takes care of everyone.

Obviously, I was disappointed that we did not have extended the Northeast Interstate Dairy Compact. But my concern would be the same today, whether it was there or not, because of the drought issues. I am concerned that lifting the Cuban embargo for food and medicine that was passed by the Senate by 74 or 75 votes, the Ashcroft amendment, was not included.

I would like to take a moment to reiterate the importance of the Northeast Interstate Dairy Compact and my disappointment that its extension is not in this bill. The Northeast Interstate Dairy Compact has proven itself to be a successful and enduring partnership between dairy farmers and consumers throughout New England. Thanks to the Northeast Compact, the number of farmers going out of business has declined throughout New England—for the first time in many years. If you are a proponent of states' rights, regional dairy compacts are the answer. Compacts are state-initiated, state-ratified and state-supported programs that assure a safe supply of milk for consumers.

Indeed, half the Governors in the nation, and half the state legislatures in the nation, asked that the Congress allow their States to set their own dairy policies—within federally mandated limits—through interstate compacts. And the dairy compact passed with overwhelming support in these States—in Arkansas, for instance, the Compact passed the Senate with a vote of 33 to 0 and the House passed it with a vote of 91 to 0. In North Carolina, the Compact passed the Senate with a vote of 49 to 0 and passed the House with the overwhelming majority of 106 to 1. Clearly, there is tremendous support for dairy compacts in these states.

Since the Federal policies are not working to keep farmers in business, these states acted to make sure that dairy farmers stay in business so that consumers can be assured of fresh, local supplies milk. If you support interstate trade, the Northeast Dairy Compact has proven itself to be the answer. Once the Compact went into operation, the Office of Management and Budget reported an 8 percent increase in sales of milk into the compact region from New York and other neighboring States to take advantage of the higher prices. If you support a balanced budget, dairy compacts are the answer. The Northeast Compact does not cost taxpayers a single cent.

This is very different from the costliness of many farm programs—including many which are being funded through this appropriations bill. If you support farmland protection programs, dairy compacts are the answer. Major environmental groups have endorsed the Northeast Dairy Compact because they know it helps preserve farmland and prevent urban sprawl. In fact, the New Times reported on the importance of the Compact for the environment. In an article entitled ''Environmentalists Supporting Higher Milk Price for Farmers'' it was explained that keeping farmers on the land maintains the beauty of New England.

And if you are concerned about the impact of prices on consumers, regional dairy compacts are the answer. Retail milk prices within the compact region are lower on average than in the rest of the nation. I would be pleased to compare retail milk prices in New England against retail milk prices in the Upper Midwest.

A GAO report, dated October, 1998, compared retail milk prices for various U.S. cities both inside and outside the Northeast Compact region for various time periods. For example, in February 1998, the average price of a gallon of whole milk in Augusta, ME, was $2.47. The price for Milwaukee, WI, was $2.63/gallon. Prices in Minneapolis, MN, were much higher—they were $2.94/gallon. Let's pick another New England city—Boston. In February 1998, the price of a gallon of milk was $2.54 as compared to Minneapolis, MN, which was $2.94/gallon. Let's look at the cost of 1 percent milk for November 1997, for another example.

In Augusta, ME, it was $2.37/gallon, the same average price as for Boston and for New Hampshire and Rhode Island. In Minnesota, the price was $2.82/gallon. I could go on and on comparing lower New England retail prices with higher prices in other cities for many different months. I invite anyone to review this GAO report. It is clear that our Compact is working perfectly by benefiting consumers, local economies and farmers. This major fact, that in many instances retail milk prices in the Compact region were much lower than in areas in the Upper Midwest, has been ignored by our opponents. I would also like to point out that before the Compact, New England lost 20 percent of its dairy farms from 1990 to 1996—we lost one-fifth of our farms in just 6 years. If farms had kept going under at that rate, the prices of milk in stores could have dramatically increased.

In June I received a letter from the National Grange strongly supporting the Northeast Dairy compact. They represent 300,000 members nationwide, and I want to read a few lines from their letter. It states that ''regional dairy compacts offer the best opportunity to preserve family dairy farms.'' It continues by stating that:

> The heightened interest and support at the state level for dairy compacts is based largely on the outstanding accomplishments of the Northeast Dairy Compact. There is recognition in the dairy industry that states must work together to strengthen their rural economies and ensure fresh, local supplies of milk to their urban areas.

The Grange letter notes that ''the Northeast Compact has been extremely successful in meeting this goal by balancing the interests of processors, retailers, consumers, and dairy farmers.''

The Grange goes on to support the Southern Dairy compact since a Southern Compact would ''provide dairy farmers in that region with a stable price structure for the milk they produce while assuring the region a viable supply of locally produced milk.'' I want to repeat that OMB studied the Compact and concluded that consumer prices in the region were on average five cents lower per gallon than the average for the rest of the nation and that farm income had increased significantly. OMB also reported that the Compact put more pregnant women, infants, and children on the WIC program than would have been the case without the Compact. The Compact has also been challenged in court and has been upheld as constitutional.

The Compact does not harm other States. Contrary to what some opponents may suggest, the Dairy Compact did not cause a drop in milk production in other regions of the country such as the Upper Midwest. In fact, in 1997, Wisconsin had an increase in production of 1.7 percent while the Compact was in operation. This fact refutes another incorrect criticism of the Compact. Contrary to allegations of Compact opponents, interstate trade in milk has greatly increased as a result of the Compact according to OMB. Milk sales into the Compact region increased by 8 percent—since neighboring New York and other farmers wanted to take advantage of the compact.

It should also be noted that farmers in the Compact region are now milking about the same number of cows over the past couple of years—they did not suddenly expand their herds to take advantage of the Compact as opponents had incorrectly feared. Comparing Vermont's milk cows and production from April of last year to April of this year, note that Vermont's milk production did increase—but by only 2.6 percent. This is slightly less than the increase for Wisconsin. However, the number of cows being milked remained the same for Vermont. Farmers were not buying more cows and expanding their operations under the Compact, and production increases were less than other States.

So if all these points are refuted by the facts, what is the real agenda of those from the Upper Midwest? Based on newspaper accounts from the Upper Midwest, I think I know the answer. I know that the Upper Midwest massively overproduces milk—they produce far more than they can consume—and thus want to sell this milk

in the South. They do not even attempt to refute the point that they are trying to sell their milk outside the state. However, it is very expensive to ship milk because milk weighs a lot, it has to be refrigerated, and the trucks come back empty. I have read press reports about how they want to dehydrate milk—take the water out of milk—and then rehydrate it by adding water in distant states.

The Minneapolis Star Tribune explained that Minnesota farmers want to sell ''reconstituted milk in Southern markets.'' The article from February 12, 1992, points out that ''technology exists for them to draw water from the milk in order to save shipping costs, then reconstitute it.''

Regular milk needs refrigeration and weighs a lot and is thus expensive to ship. Also, only empty tanker trucks can come back since nothing else can be loaded into the milk containers. But dehydrated milk can be shipped in boxes. By taking the water out of milk, the Upper Midwest can supply the South with milk.

I realize that according to a St. Louis Post-Dispatch article in 1990 that ''Upper Midwest farmers say technological advances in making powdered milk and other concentrates has improved the taste and texture of reconstituted milk.'' However, the House National Security Committee had a hearing on this reconstituted milk issue in 1997. I will quote from the hearing transcript: ''the Air Force on Okinawa decided that the reconstituted milk was not suitable for the military and as a quality of life decision they closed the milk plant and opted to have fluid milk transported in from the United States.'' There was a great article in the Christian Science Monitor a few years ago that talks about the school lunch program.

It mentions the first time the author, as a first-grader, was given reconstituted milk. He said: ''Now, I like milk. . . .But not this stuff. Not watery, gray, hot, reconstituted milk that tasted more like rusty pump than anything remotely connected with a cow. We wept. We gagged. We choked.'' The second problem with the strategy of Wisconsin and Minnesota farmers selling their milk down South is what about ice storms or snow? What happens when flooding or tornado damage or other problems stop these trucks laden with milk?

Southern parents might not be able to buy milk at any price any time an ice storm hits the Upper Midwest if the South does not have fresh, local supplies of fresh milk.

Just remember the panic that affects Washington, DC, when residents think we might get what is called in Vermont a ''dusting of snow.'' In this debate on the Northeast dairy compact, I was very hopeful a few months ago that we could work out an amendment on dairy which would be satisfactory to most members. The National Farmers Union made a great proposal which could have helped dairy farmers throughout America. The President of NFU, Leland Swenson, discussed the recent loss of millions of dollars by dairy farmers ''when the milk price suddenly dropped by 37 percent'' in 1 month. In a letter to many Members of Congress, he pointed out that ''family dairy producers will be subject to even greater economic disaster when the support price is completely phased out at the end of the year.'' The National Farmers Union came up with an idea that would greatly benefit farmers in the Upper Midwest, the South, the West, the Northeast and the rest of the country. As their letter states, the proposal ''will also help consumers by ensuring a steady supply of fresh milk and quality dairy products at reasonable prices.''

The NFU proposal consisted of: dairy compacts for the South and the Northeast; amendments to the federal order system that help farmers; and, third, a dairy price support at $12.50 per hundredweight. NFU concludes by saying that this proposal would ''provide a meaningful safety net for dairy farmers throughout the nation.'' Compacts for the Northeast and the South, a good support price for the Upper Midwest, the Midwest, Florida, the Southwest, and the West, and reform to Federal order system. All three components would have helped dairy farmers in every region. I know the huge processors launched a massive and expensive campaign against all elements of this NFU proposal. The processors, unfortunately, are for very low dairy prices. These giant multinational processors have bought dozens and dozens of full-page ads and sent snow globes to members of the Congress. Their ads demonstrate what they are against. They oppose: an extension of dairy price supports; increases in price supports; interstate dairy compacts; and other reforms to the federal order system designed to keep dairy farmers in business. They propose instead, as do other opponents of this compromise, nothing—they have no proposals that would help dairy farmers.

Time will show that the opponents of this National Farmers Union package, these large processors, are making a costly error. If their policies of extremely low prices for dairy farmers continue to drive thousands of farmers out of business each year—eventually milk prices will dramatically increase. Unfortunately, I may only be able to say at a later date that ''I told you so.''

Mr. WELLSTONE addressed the Chair.

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

Mr. WELLSTONE. Mr. President, I will be very brief. The Senator from New York and the Senator from North Dakota want to speak.

On a personal level, I thank Senator COCHRAN from Mississippi for his fine work.

I am sympathetic to what my colleagues from the Northeast have to say. They do not believe they really have been in the picture when it comes to disaster relief. I make a commitment, as a Senator from the Midwest, to fight very hard with them to do better on disaster relief before we leave here over the next 4 weeks or 5 weeks. As a matter of fact, I have a lot of concerns about this disaster relief bill as well and this financial package. I am not sure the farmers in northwest Minnesota are going to figure in. We have had a lot of wet weather. They haven't been able to plant their crops.

I am very worried that they actually are not going to get this disaster assistance. I also worry about the formula. Altogether, this is an $8.7 billion relief package. I worry about the way in which it is delivered. As I have said before, I think the AMTA payments all too often go to those least in need without enough going to those most in need.

Finally, on the negative side, this is all a very painful way of acknowledging that our farm policy is not working. It is a price crisis. Our farmers can't make it on these prices. We are going to lose a whole generation of producers unless we get the loan rate up and get prices up and unless we have a moratorium on these acquisitions and mergers. I am determined to have a vote on the moratorium bill. I am determined to have a vote on doing something to get the prices up for family farmers. That is what speaks to the root of this crisis, which is a very painful economic crisis and a very painful personal crisis because an awful lot of good people are being driven off the land. The only thing this does is enable people to live to maybe farm another day.

I say one more time to the majority leader, I want the opportunity to come out with amendments and legislation that will alleviate some of this pain and suffering. I know other Senators feel the same way.

Finally, I think I lean heavily toward voting for this only because we need to get some assistance out to people. In Redwood County, which has really been through it, we get about $23 million more to cover production losses in beans and corn from AMTA payments. I am told by Tracy Beckman, who directs our FSA office, that Minnesota will receive about $620 million in AMTA payments to be distributed to about 62,000 eligible producers.

I don't think this emergency financial package is anywhere near close to perfect. I think it is flawed in a number of ways. I think we are going to have to do better on disaster relief. But I desperately want to get some help out to people. I think at least this is a step in that direction. We all can come back over the next couple of weeks and do more.

I yield the floor.

Mr. COCHRAN addressed the Chair.

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

Mr. COCHRAN. Mr. President, under the authority of the leadership, I yield myself such time as I may consume.

I have received a number of letters from farm organizations and other groups supporting the adoption of the conference report or supporting invoking cloture so we can get to consideration of this conference report. Included among these groups are the American Farm Bureau Federation, asking for a vote on cloture this afternoon; the National Corn Growers Association; the National Association of Wheat Growers; the U.S. Rice Producers Association; the American Soybean Association; International Dairy Foods Association; the National Barley Growers Association; the Louisiana Cotton Producers Association, and others.

I ask unanimous consent that all of these letters be printed in the RECORD.

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

AMERICAN FARM
BUREAU FEDERATION,
Park Ridge, IL, October 12, 1999.

DEAR SENATOR: The American Farm Bureau Federation supports passage of H.R. 1906, the conference report on FY 2000 Agriculture Appropriations. We urge you to vote for cloture this afternoon.

We are thankful to the members of the conference committee for their diligent work in securing much needed financial assistance for farmers who are suffering from this year's devastating drought and low commodity prices.

However, we remain disappointed by the process which rendered inadequate levels of funding for weather disaster assistance, excluded trade sanctions reform and did not make needed changes in dairy policy. We appreciate the efforts of members of the House and Senate who worked for these needed changes.

Farm Bureau will continue to work to secure these beneficial changes in farm policy.

Sincerely,

DEAN KLECKNER,
President.

NATIONAL CORN
GROWERS ASSOCIATION,
Washington, DC, October 8, 1999.

Hon. CHARLES S. ROBB,
U.S. Senate, Russell Building,
Washington, DC.

DEAR SENATOR ROBB. On behalf of the 30,000 members of the National Corn Growers Association (NCGA), I strongly urge the United States Senate to pass the fiscal year 2000 agriculture appropriations conference report. America's farmers are facing Depression-era low prices and the political posturing that continues to delay delivery of the desperately needed $8.6 billion farm assistance package puts these farmers at risk.

I cannot stress enough the importance of this farm aid package and the importance of its timely passage. In many cases, the market loss assistance payment will be the only way many of our farmers will meet their end-of-year expenses.

The NCGA urges Congress to vote ''aye'' on cloture, preventing an impending filibuster from further delaying the bill, and vote ''aye'' on final passage. Acting immediately on this bill will allow us to get this appropriations process behind us and to then turn our attention to the challenge of crafting long-term policy solutions that will restore the health of the agricultural economy and help us avoid the need for future emergency assistance packages.

NCGA looks forward to working with Congress on those long-term goals in the months to come. Thank you for your consideration.

Sincerely,

LYNN JENSEN,
President.

NATIONAL ASSOCIATION
OF WHEAT GROWERS,
Washington, DC, October 10, 1999.

Hon. THAD COCHRAN,
Chairman, Senate Subcommittee on Agriculture Appropriations, U.S. Senate, Washington, DC.

DEAR CHAIRMAN COCHRAN: As President of the National Association of Wheat Growers (NAWG), and on behalf of wheat farmers across the nation, I write to commend you and the subcommittee on your hard work in completing the FY2000 Agriculture Appropriations bill.

I believe that the emergency assistance package included in the bill will go a long way in meeting the needs of America's wheat producers. At the same time, however, I am very disappointed that the sanctions reform provisions of the Senate's version of the bill were not included in the conference report. NAWG remains committed to lifting all U.S. unilateral sanctions on food and will continue to work towards this goal.

It is my understanding that a handful of your colleagues are attempting to block the adoption of the conference report in an effort to address policy matters outside the bill's intended scope. This is unfortunate.

NAWG encourages all Senators to vote for cloture and final adoption of the conference report as soon as possible.

Sincerely,

JIM STONEBRINK,
President.

U.S. RICE PRODUCERS ASSOCIATION,
Houston, TX, October 1, 1999.

Hon. THAD COCHRAN,
Chairman, Subcommittee on Agriculture, Rural Development and Related Agencies, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The U.S. Rice Producers Association (USRPA) represents rice producers in Mississippi, Missouri, Texas, and California, as well as affiliate members that include rice millers, marketers, and other allied businesses. We are writing to express our strong support for the passage of the conference report on H.R. 1906, the fiscal year 2000 agricultural appropriations bill. While this bill is not perfect, it will help to address some of the critical concerns of American rice producers who are facing record low prices.

Emergency Assistance: H.R. 1906 includes a package of emergency economic assistance that will be critical to the economic survival of rice producers across the nation. With prices for rice projected to fall by more than one-third compared to last year's already low prices, the enactment of this direct emergency assistance is imperative.

Equitable Marketing Loan Payments: H.R. 1906 includes a provision to authorize the Secretary of Agriculture to correct the inequitable treatment received by a number of rice producers when the benchmark World Market Price for rice was significantly adjusted downward in August by the Department of Agriculture. For a number of producers, particularly in Texas and Louisiana, only the enactment of this provision can address this issue.

Comprehensive Sanctions Reform: We are disappointed that the conference report fails to enact reforms regarding our government's use of unilateral agricultural sanctions. We oppose restrictions on the free and open export of U.S. agricultural commodities that deny American farmers access to important export markets. In particular, Cuba was a very large and dependable market for U.S. rice prior to the imposition of sanctions. However, we do not believe that the failure of the bill to address the sanctions issue should be viewed as a reason to defeat this very important bill.

As such, we urge you and your colleagues to vote for final passage of the conference report on H.R. 1906.

Sincerely,

DENNIS R. DELAUGHTER,
Chairman.

AMERICAN SOYBEAN ASSOCIATION,
October 8, 1999.

Hon. THAD COCHRAN,
Chairman, Subcommittee on Agriculture, Rural Development, and Related Agencies, Committee on Appropriations, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: On behalf of the American Soybean Association (ASA), I would like to express our strong support for immediate passage of the Conference Report on agricultural appropriations for FY–2000. Favorable consideration of this important legislation is even more urgent since it will provide emergency relief for producers of soybeans and other commodities who are suffering from historic low prices and from severe crop losses.

U.S. soybean farmers have seen prices fall 32% in the past three years, to a season average level of $5.00 per bushel for the 1999 crop, according to USDA. This represents a decline of $4.4 billion in the value of this year's harvest, compared to 1996.

While sluggish foreign demand is partly responsible for lower prices, another factor is the increase in U.S. soybean production under ''Freedom to Farm.'' Since 1996, soybean plantings rose eight million acres, or 12%, from 66 to 74 million acres. This increase has disadvantaged traditional soybean producers, and particularly those who do not receive large payments under the AMTA formula.

With Congress prepared to again provide supplemental AMTA assistance to offset low prices received by producers of former program crops, ASA is pleased that the farm relief package includes $475 million to partially compensate producers of soybeans and other oilseeds. This amount will add an estimated 15 cents per bushel to farmers' income from the sale of this year's soybean crop and from marketing loan gains or Loan Deficiency Payments. ASA would like to express appreciation to you for your leadership in including and retaining this provision in the final Conference Report.

Sincerely yours,

MARC CURTIS,
President.

INTERNATIONAL DAIRY
FOODS ASSOCIATION,
Washington, DC, October 8, 1999.

DEAR SENATOR: Next Tuesday, you will be asked to vote on cloture to stop a filibuster of the final agriculture appropriations conference report as some members seek to force inclusion of controversial dairy compacts in the bill. Without question, dairy compacts artificially inflate milk prices, under the guise of helping dairy farmers.

Now is not the time to hold up this agriculture appropriations bill—which includes important farm relief measures. And it certainly isn't the time to unnecessarily increase milk prices to consumers.

Attached are numerous editorials from across the nation that strongly urge Congress to reject higher milk prices, and let

modest free market reforms stabilize the industry. We urge you to vote for cloture and let the agriculture appropriations process move forward.

Sincerely,

CONSTANCE E. TIPTON,
Senior Vice President.

NATIONAL BARLEY GROWERS ASSOCIATION,
Alexandria, VA, October 12, 1999.

Hon. THAD COCHRAN,
Chairman, Subcommittee on Agriculture, Committee on Appropriations, U.S. Senate, Washington, DC.

DEAR CHAIRMAN COCHRAN: On behalf of barley producers from across the United States, I am writing to urge Congress to expedite approval of the conference report for FY2000 agricultural appropriations (H.R. 1906). While the conference process was clearly imperfect and barley growers are frustrated by the refusal of the congressional leadership to allow conferees to consider provisions to enact much-needed reforms to US sanctions policy, this package contains several provisions of critical importance to barley producers and to the entire agricultural community. It is important that this package be approved immediately.

As such, barley growers urge you and your colleagues to vote for final passage of the conference report on H.R. 1906.

Sincerely,

JACK Q. PETTUS,
Washington DC Representative.

LOUISIANA COTTON PRODUCERS ASSOCIATION,
Monroe, LA, October 11, 1999.

Hon. THAD COCHRAN,
U.S. Senate, Senate Russell Building, Washington, DC.

DEAR SENATOR COCHRAN: The Louisiana Cotton Producers Association strongly supports passage of the FY 2000 Ag Appropriations Bill. The financial aid provided for in this bill will to a large degree be the only means by which many are able to hold onto the family farm. Your leadership and support for agriculture is well documented and greatly appreciated.

I look forward to our continued partnership in 2000 as we attempt to improve upon a farm bill that is in dire need of reform.

Sincerely,

JON W. ''JAY'' HARDWICK.

NATIONAL GRAIN SORGHUM PRODUCERS,
Abernathy, TX, October 8, 1999.

Hon. THAD COCHRAN,
Chairman, Senate Subcommittee on Agriculture Appropriations, U.S. Senate, Washington, DC.

DEAR CHAIRMAN COCHRAN: On behalf of the National Grain Sorghum Producers we urge you to support the Agriculture Appropriations Bill as presented by the Conference and approved by the House.

Farmers across the United States need these funds now.

Sincerely,

DAN SHAW,
Washington Representative.

AMERICAN SUGAR ALLIANCE,
Washington, DC, October 8, 1999.

Hon. THAD COCHRAN,
U.S. Senate,
Washington, DC.

DEAR SENATOR COCHRAN: The associations listed below, representing U.S. sugarbeet and sugarcane farmers, processors, and refiners, unanimously support the Agricultural Appropriations Bill Conference Report.

We thank you for your unfailingly support for American production agriculture and we look forward to continuing to work with you in the future.

Sincerely,

American Sugarbeet Growers Association; American Sugar Cane League; Florida Sugar Cane League; Gay & Robinson, Hawaii; Rio Grande Valley Sugar Growers; Sugar Cane Growers Cooperative of Florida; United States Beet Sugar Association.

AMERICAN TEXTILE MANUFACTURERS INSTITUTE,
Washington, DC, October 12, 1999.

TUESDAY, OCTOBER 12 CLOTURE VOTE ON AG APPROPRIATIONS: VOTE YES ON INVOKING CLOTURE—VOTE YES ON FINAL PASSAGE

DEAR SENATOR: The FY 2000 Agriculture Appropriations Bill provides needed assistance to U.S. agriculture, including restoration of funds for the cotton competitiveness program, and we urge you to support the conference report. Specifically, we urge you to vote YES on Tuesday, October 12 on the motion to invoke cloture on consideration of this bill, and to vote YES on final passage of the conference agreement.

Funding for ''Step 2'' of the cotton competitiveness program was capped in the 1996 farm bill and the program ran out of funds in December of 1998, resulting in an immediate and sharp decline in already low raw cotton prices. As we have indicated to you previously, the surge over the last few years in cheap imports from China and other nations of the Far East, in large part because of Asia's economic difficulties, has had a severe impact on the American textile industry. Restoration of funding for Step 2 will help offset some of this damage by making the U.S. cotton and U.S. textile industries more competitive with foreign manufacturers.

As a final point, we understand and sympathize with the concerns of Senators from dairy producing states. However, we strongly urge that these issues be dealt with in an expeditious manner without holding up this badly needed agriculture spending bill. Please do everything you can to achieve such an outcome which will address the needs of dairy producers without holding American textile manufacturers and cotton producers hostage. We need this conference report to be signed into law as quickly as possible.

Sincerely,

CARLOS MOORE,
Executive Vice President.

CALCOT, LTD.,
Bakersfield, CA, October 11, 1999.

Hon. THAD COCHRAN,
Russell Senate Office Building,
Washington, DC.

DEAR SENATOR COCHRAN: First, I want to thank you for all of your efforts to get the agricultural assistance package to where it is today. Calcot's membership, which totals over 2000 members who grow almost 50 percent of the cotton in Arizona and California, fully support the conference bill.

Growers are distressed at the delay in getting the conference passed by the Senate. Hopefully, the cloture vote tomorrow afternoon will be successful and this bill can be forwarded to the President shortly after that. Growers desperately need the benefits provided in the assistance package, and we really need Step 2 to prevent the loss of further sales of cotton.

Again, we appreciate your efforts to provide this package, but we need it passed by the Senate and signed by the President at the earliest possible date.

Sincerely,

T.W. SMITH.

USA RICE FEDERATION,
Arlington, VA, October 8, 1999.

Hon. THAD COCHRAN,
Chairman, Senate Appropriations Subcommittee on Agriculture, Rural Development and Related Agencies, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: On behalf of the USA Rice Federation, we want to express our support for the FY 2000 Agricultural Appropriations Conference Report. The programs funded by this legislation, and especially the economic assistance package, are urgently needed by America's farmers who are suffering a crisis due to low prices and weather-related disasters.

We urge you and other members of the Senate to support the Report and its quick implementation.

Sincerely,

A. ELLEN TERPSTRA,
President and Chief Executive Officer.

[News From Independent Community Bankers of America]

ICBA WELCOMES HOUSE PASSAGE OF FARM RELIEF PACKAGE

Washington, DC. (Oct. 1, 1999)—The Independent Community Bankers of America today welcomed the House of Representatives passage of H.R. 1906, the Fiscal Year 2000 Ag Appropriations bill on a 246–183 vote.

''The $8.7 billion bill will provide much needed economic assistance to struggling farmers who are trying to generate positive cash flows and repay their operating credit as well as plan for new loans. Congress will need to also consider providing additional funds to provide payments for disaster losses and additional money to ensure adequate guaranteed loan funding is available,'' said ICBA President Bob Barseness.

''While we realize the bill has generated considerable controversy lately, we are hopeful Congress will provide this much needed financial assistance to our farmers as soon as possible.'' ICBA added.

NATIONAL PEANUT GROWERS GROUP,
Gorman, TX, October 12, 1999.

Hon. THAD COCHRAN,
Chairman, Subcommittee on Agriculture, Rural Development and Related Agencies, Senate Appropriations Committee, Washington, DC.

DEAR MR. CHAIRMAN: The National Peanut Growers Group is a coalition representing peanut growers across the United States. We appreciate very much your hard work in developing the Fiscal Year 2000 Agriculture, Rural Development and Related Agencies appropriations bill. You have always supported our industry.

The bill contains several key provisions that assist peanut growers. In addition to important peanut research projects, the bill provides approximately $45 million in direct disaster payments to peanut growers based on the 1999 peanut crop.

Language was also added during the Conference that requests the Secretary of Agriculture use peanut growers marketing assessment monies to offset potential program losses in the 1999 peanut crop.

We support the FY 2000 Agriculture Appropriations bill and urge its immediate passage.

Sincerely,

WILBUR GAMBLE,
Chairman.

AMERICAN BANKERS ASSOCIATION,
Washington, DC, October 12, 1999.

Hon. THAD COCHRAN,
U.S. Senate, Washington, DC.

DEAR SENATOR COCHRAN: On behalf of the American Bankers Association (ABA), I am writing to express our support for the FY

2000 Agricultural Appropriations Conference Report (HR 1906). The ABA represents all categories of banking institutions which includes community, regional and money center banks and holding companies as well as savings associations, trust companies and savings banks. Our members are deeply concerned about the future of our agricultural and rural borrowers.

At the end of 1998, our members had over $70 billion in outstanding loans to farm and ranch customers. We provide American agriculture with the credit needed to produce our nation's safe and abundant food and fiber.

We join you in supporting the Conference Report because it will address the emergency needs of this vital national industry. Our nation's farmers and ranchers have been battered by low prices and, in some areas, by severe weather conditions. Many of our farmers and ranchers are losing hope and are deciding to leave agriculture.

For many of these farmers and ranchers the FY 2000 Agricultural Appropriations Conference Report can make the critical difference between staying on the farm or leaving it forever. We thank you for supporting the legislation, and we urge you to impress on your colleagues the urgent need to pass the legislation as quickly as possible.

Sincerely,

FLOYD E. STONER.

Mr. CONRAD addressed the Chair.

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

Mr. CONRAD. I thank the Chair.

Mr. President, I rise to urge my colleagues to support the cloture vote this afternoon. I acknowledge the work of our colleague, Senator COCHRAN, and our colleague, Senator KOHL, who are the chairman and ranking member of this committee. I have found in my time in the Senate that Senator COCHRAN is a very fair man. He is somebody who keeps his word. He always has time to listen. I appreciate that very much. I also appreciate the difficulty he has, along with Senator KOHL, in bringing this bill to the floor. This is not easy to do. It is a very difficult thing year after year, to deal with all of our colleagues on these very contentious issues. I thank my colleague, Senator COCHRAN, for his patience more than anything else because he has certainly demonstrated that. I also thank Senator KOHL because he has also listened carefully to the needs of our colleagues from around the country.

I represent one of the most agricultural States in the Nation. My producers there have been hit by a triple whammy of bad prices, bad weather, and bad policy. The prices are the lowest they have been in real terms in over 50 years. There is a price collapse occurring that is putting enormous financial pressure on our producers.

Bad weather. I guess the simple fact that we had 3 million acres in the State of North Dakota not even planted this year tells a story, not because it was too dry but because it was too wet. What an extraordinary circumstance. Back in 1988 and 1989, we had the worst drought since the 1930s. Now we have the wettest conditions in 100 years. Everywhere you go in North Dakota, at least in a big chunk of our State, there is nothing but water. Who could have believed this dramatic change? And we are hurt by bad trade policy and bad agriculture policy that has further burdened producers.

There are several parts of this package that I think are critically important. The 100-percent AMTA supplemental payment is going to mean that a North Dakota wheat farmer, instead of getting a transition payment of 64 cents a bushel on wheat, is going to get $1.28. It may not sound like much to many of my colleagues, and it isn't much in the great scheme of things. That is going to make the difference between literally thousands of farm families having to be forced off the land and being able to survive for another year. That is critically important.

Second, there is a 30-percent crop insurance discount. That is very important because we have not devised a crop insurance system that can work for the farmers of this country.

So those are two important provisions. They deserve our support.

As soon as I am positive about this bill, I also want to point out those parts of the bill that are deficient because there is inadequate disaster assistance in this bill. There is not enough money for those who are victims of Hurricane Floyd; there is not enough money for those who are the victims of the drought in the eastern part of the United States; there is not enough money for those farmers in my State who have been flooded out. These are farmers who didn't take a 30-percent loss or a 40-percent loss; they took a 100-percent loss because their land is under water.

Mr. President, we have to do better. We will have a further opportunity to do so in the legislative process later this year. I hope very much we will do that. But right now, the right vote is to vote for cloture.

I thank the Chair and I yield the floor.

Mr. SCHUMER addressed the Chair.

The PRESIDING OFFICER. The distinguished Senator from New York is recognized.

Mr. SCHUMER. Mr. President, I must respectfully disagree with my colleague from North Dakota. This bill is a disaster for the farmers in the Northeast. We have been hit, in this bill, by a triple whammy. No. 1, the dairy compact hangs by a thread. No. 2, the pricing support system for dairy 1–A is replaced by 1–B. And then, to add insult to double injury, what has happened is that there is so little disaster relief—given the hurricane in North Carolina, flooding in North Dakota, and the worst drought in a generation in the Northeast—it is hard to see how the money allocated here covers the needs of hard-pressed farmers.

So I urge my colleagues to vote against this bill. It just does not do the job for us. I have spoken to many on my side, including our minority leader, who shares our heartfelt concerns; and we are going to make an effort to do whatever we can to get extra disaster relief in other supplemental bills. But it is faint concern, little concern, to the people and farmers in the Northeast.

We have 220,000 farmers in the Northeast, according to the Secretary of Agriculture. We have a program, a dairy program, and fruits and vegetables as well, that are different from the majority of farming here in this country. It is not a row crop, and they are not large farms; they are family farms.

I will leave my colleagues with a plea: We need help. We need real help, particularly this year when low prices and the drought have severely affected us. We are not getting the help we need in this bill, and we hope we can come back another day and get it.

I yield the floor.

Mr. COCHRAN. Mr. President, on behalf of the leader, I yield the time that he may consume to the distinguished Senator from Iowa.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

Mr. GRASSLEY. Mr. President, because of the lowest commodity prices in a quarter century in the Midwest and probably every place else in the United States, I support the conference report we are considering this afternoon. While there are elements of the legislation that I might not support, or would rather not have in the bill, I think the greater good is served by passing this legislation as quickly as possible. The sooner we pass this legislation, the sooner we can assist the family farmer. That was our intention when we began this process the first week of August, and I am glad to see it will be accomplished in the near future.

As everyone is aware, there is a crisis in rural America due to these low commodity prices. I made a promise 3 years ago to guarantee a smooth transition from big government command and control to a market-driven agricultural economy. We predicted 3 years ago, in the 1996 farm bill, that that smooth transition would require about $5.5 billion for the year 1999. We didn't anticipate the lowest prices in 25 years and, obviously, that transition turned out to be more difficult than we anticipated. To remedy the situation we have added economic assistance in this bill that we did not predict was necessary three years ago.

A number of factors have contributed to the downturn in the agriculture economy that we have experienced over the last 18 months. I would like to tell you that the answer to our problem is as easy as changing the 1996 farm bill. But, in fact, the economics involved are complex and international. For example, we saw soybean prices take a nosedive a while back, not because of anything we did in this country, but because the Brazilian currency lost one-quarter of its value overnight.

Brazil happens to be a major soybean producer and also an exporter. That action also shaved roughly a dollar a bushel off of U.S. soybean prices.

Another example is that Asia has been one of our fastest growing and strongest export markets. But when the Asian economy crashed, they could no longer buy American pork and our grain. The financial crisis Asia experienced hurt all our farmers in America, even my friends and neighbors back at New Hartford, Iowa.

Global trade manifested by exports has become a mainstay of our Nation's family farmers. Roughly one-fourth of farm receipts today come from overseas sales. Iowa is a significant supplier to the world, being the Nation's No. 2 exporter of agricultural commodities, after California. The solution is to increase our access to world markets by passing fast track and opening doors through the World Trade Organization and other trade agreements, not by limiting our ability to compete in the world market by choking our own production.

There are 100 million new mouths to feed every year, almost a billion in the next decade. Farmers someplace in the world are going to feed those new mouths. I would rather it be Iowa or United States products than Brazilian and Argentine products. We can do it and compete. In the short-term though, the most effective means of helping our family farmers in need is providing economic assistance as quickly as possible.

The fastest means to provide emergency relief to our farmers is through the AMTA mechanism. I would like to mention that some of my colleagues have criticized our plan to distribute income assistance through the AMTA payment mechanism. I have heard and witnessed statements that would lead some to believe that landowners who do not share in production risk or management are benefiting from this assistance. The 1996 farm bill states that payments are only available to those who ''assume all or part of the risk of producing a crop.''

Recently, 53 Senators signed a bipartisan letter asking Secretary Glickman whether there are payments being made to those who do not share risk in agriculture—risk in a specific farming operation. If that is occurring we have requested in the letter to Secretary Glickman that the proper disciplinary action for any official approving payments in this manner be administered. But if this is not happening, I apologize for my colleagues who have delayed the process by making baseless claims due to their own ignorance.

So the action we take today guarantees the future stability of the family farmer and the agricultural economy. It is with this in mind that I support this cloture motion and hope this bill passes, because within 10 days after getting this bill signed by the President, this money can be distributed to the farmers of America.

Mr. DASCHLE addressed the Chair.

The PRESIDING OFFICER. The distinguished Democratic leader is recognized.

Mr. DASCHLE. Mr. President, I know we are close to running out of time. I will use my leader time to make a few comments on the pending conference report.

I come to the same conclusion as the distinguished Senator from Iowa, and I would like to elaborate, if I could, briefly on why I have come to that conclusion.

I believe we ought to be supportive of this conference report, but I must say I am deeply disappointed that we have to be in this position in the first place. This is a badly flawed bill from many perspectives. I strongly disagree with using the AMTA mechanism as the only mechanism by which we provide resources to those in need. As a result of our reliance on AMTA, there will be thousands of people no longer directly involved in agriculture who are going to get payments of over five and a half billion dollars. Our view is that that is a tragedy, given the limited resources we have available to us and the extraordinary need to ensure that resources are spent in the most prudent fashion. They will not be, in large measure, because of the formula incorporated in this language.

I also am very deeply concerned about the fact that there is no loan availability in this bill. There are going to be farmers who are going to be turned away from banks throughout the country. When they are turned away, as is happening on many occasions, farmers go to the Farm Service Agency to ensure they can get the resources they need.

Let us be clear. There is no recourse as a result of this legislation. Farmers have no opportunity to get alternative loan availability because there is no money in this bill for loans. For that reason, too, I am very concerned about the deficiencies in this legislation.

As most of us know, we have lost a substantial number of our pork producers. The number of pork producers in South Dakota has diminished substantially in recent years. In fact, we have lost a large portion of the percentage of our hog producers in the last year in large measure because of the disastrous crisis they are now facing. There is not $1 in here for livestock producers involved in pork production. As a result, our pork producers have no hope of obtaining any kind of assistance as a result of this legislation.

I must say we also are deeply concerned about the impact this legislation could have, if this is the last word on the circumstances those in the Northeast currently are facing. They have experienced serious drought. Other parts of the country have faced other serious farm disasters. The disaster assistance in this package is absolutely unacceptable. The $1.2 billion is a fraction of what will be required if we are going to meet all of the obligations this country should and must meet to address disaster needs, especially in the Northeast, in the coming 12 months. We have an extraordinary deficiency with regard to disaster assistance.

As a result of that as well, I am deeply troubled that we are faced with a very untenable choice: vote for this, and get some assistance out to those who will receive it, in time for it to do some good, or do nothing and hope that somehow in some way at some time we can resolve this matter before the end of the session.

I sadly come to the conclusion that what we have to do is take what we can get now, to take what we have been able to put in the bank now, and keep fighting to address all of these deficiencies before the end of this session. I have said just now to my colleagues in the Northeast that we will not rest, we will not be satisfied until we have adequately addressed their needs in disaster assistance before the end of this session. We will make that point with whatever vehicles we have available to us, appropriations or otherwise. It is absolutely essential that we provide that assistance before the end of this year and send a clear message that we understand the gravity of their circumstances and are prepared to address it.

I might also say that we have to look also at an array of policy considerations. My view is that we are in this box in large measure because we created it ourselves. Those who voted for Freedom to Farm are coming to the realization that clearly this is a situation that has to be resolved through public policy, in new farm policy, with the creation of a safety net, with the creation of market incentives to create more of a balance between supply and demand than what we have right now.

That is a debate for another day. We are left with a choice about whether or not we provide $8.7 billion in aid now, as poor as the vehicle may be, to people who need it so badly. I will vote yes, and I encourage my colleagues to do likewise.

I yield the floor.

The PRESIDING OFFICER. The distinguished Senator from Mississippi.

Mr. COCHRAN. Mr. President, I ask unanimous consent that a copy of a letter addressed to the chairman of the Appropriations Committee strongly endorsing the method of payment used for the disaster assistance portion of this bill from the American Soybean Association and other groups be printed in the RECORD.

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

Hon. TED STEVENS,
Chairman, Senate Appropriations Committee, Washington, DC.

DEAR CHAIRMAN STEVENS: We are well aware that some have encouraged conferees on the FY00 agricultural appropriations bill to use alternative forms of funding emergency farm income disaster assistance rather

than supplemental Agricultural Market Transition Act (AMTA) payments.

In Secretary Glickman's September 15 testimony before the House Agricultural Committee, he says ''To be sure, there is an immediate need to provide cash assistance to mitigate low prices, falling incomes, and in some areas, falling land values. Congress should enact a new program to target assistance to farmers of 1999 crops suffering from low prices. The Administration believes the income assistance component must address the shortcomings of the farm bill by providing counter-cyclical assistance.'' He goes on to say, ''The income assistance should compensate for today's low prices and therefore they should be paid according to this year's actual production of the major field crops, including oilseeds, not a formula based on an artificial calculation done a decade ago.''

Mr. Chairman, we strongly disagree with that philosophy. The current economic distress is partly a result of the unfulfilled promises of expanded export markets, reduced regulations, and tax reform that were part of the promises made during deliberation of the 1996 farm bill. The costs of these unfulfilled promises fall upon those people who were participating in farm programs at that time.

The AMTA payment process is in place and can deliver payments quickly. The administrative costs of developing an alternative method of payments would be very high and eat into funds that should go to farmers. Given the 7½ months it took the Department to issue weather disaster aid last year, we are unwilling to risk that producers might have to wait that long for development and implementation of a new farm economy disaster aid formula. Time is also critical for suppliers of goods and services to producers. They need payments for supplies now to stay in business, not just promises that something will happen in the future.

Supplemental AMTA payments provide income to producers of corn, wheat, cotton, rice, barley, and grain sorghum. Soybean producers will receive separate payments under the Senate Agricultural Appropriations language. Crop cash receipts for these producers in 1999 will be down over 20 percent from the 1995–97 yearly average. Producers who have smaller than normal crops due to weather problems will receive normal payment levels. This is better than using the loan deficiency payment program (LDPs) which are directly tied to this year's production.

We urge you to retain the $5.5 billion in supplemental AMTA payments as the method of distribution for farm economy aid in the agricultural appropriations conference agreement. Any alternative would certainly take additional time to provide assistance to producers—time which we cannot afford.

Sincerely,

American Farm Bureau Federation; American Soybean Association; National Association of Wheat Growers; National Corn Growers Association; Nation Cotton Council; National Grain Sorghum Producers; National Sunflower Association; U.S. Canola Association; USA Rice Federation.

FREEMAN LAKE DAM

Mr. MCCONNELL. Mr. President, the conference report making appropriations for fiscal year 2000 for Agriculture, Rural Development, Food and Drug Administration and Related Agencies which is currently before the Senate contains language under the Watershed and Flood Prevention Operations account of the Natural Resources Conservation Service, NRCS, to utilize Emergency Watershed Protection Program monies to perform rehabilitation of designated dams constructed under the agency's watershed program. Is this correct?

Mr. COCHRAN. The gentleman from Kentucky is correct.

Mr. MCCONNELL. I ask the distinguished Chairman of the Agriculture Appropriations Subcommittee if the conference report directs NRCS to provide financial assistance for the Freeman Lake Dam located in Elizabethtown, Kentucky?

Mr. COCHRAN. I assure the gentleman from Kentucky that the Conference Report does contain the language as he has described.

Mr. MCCONNELL. I thank the Chairman for including this project in the conference report. The Freeman Lake Dam is in dire need of rehabilitation, and the safety of the community rests upon the integrity of this dam. Finally, I would ask the gentleman from Mississippi, is it the conference's intent that funding to rehabilitate this dam comes from existing Emergency Watershed Protection program funds, since this structure represents a serious threat to life and property.

Mr. COCHRAN. The gentleman from Kentucky is correct.

Mr. MCCONNELL. I thank the chairman.

FOOD AND DRUG ADMINISTRATION

Mr. HATCH. Mr. President, I am deeply concerned about certain aspects of the FY 2000 funding level for the Food and Drug Administration. My greatest concern is that while the FY 2000 conference report provides about $70 million over FDA's 1999 funding level of $982,217 million, this is about $90 million below the agency's FY 1999 request of $1.142 billion.

While the conference report for FY 2000 does fund important new initiatives within the FDA such as food safety programs, other key priorities are not accommodated such as $20.4 million for phase I funding for construction of the agency's Los Angeles laboratory facility and $15.3 million for improvements to FDA's adverse event reporting system.

I thank the chairman for allowing me to bring these vital issues to his attention. If Congress can find resources to fund these important priorities, the American public will reap great benefits. Finally, I commend him for your demonstrated leadership and expertise in financing the operations FDA and I look forward to continuing to work with you on funding this key public health agency.

Mr. COCHRAN. I thank the Senator from Utah for his comments regarding funding for the Food and Drug Administration. As the Senator knows, the Congress is required to comply with fiscal year 2000 budget caps on discretionary spending. Unlike the President's budget, we do not have the luxury of being able to offset appropriations' increases with savings from questionable scoring tactics, or from new user fee and other proposed legislation which has not won the support of the appropriate authorizing committees of the Congress.

I understand the Senator's concern that this conference agreement does not provide the full fiscal year 2000 level requested for the FDA. However, it does provide the FDA with a substantial increase in funding from the fiscal year 1999 level to provide the amount requested for two of FDA's highest priority activities—food safety and premarket review. I can assure my colleague from Utah that we will continue to review the funding needs of this critical public health agency and consider future requests of the agency to enhance funding for its essential activities, including those which he has brought to our attention here today.

WIC PROGRAM REQUIREMENTS

Mr. LEVIN. Mr. President, we have before the Senate the conference report on H.R. 1906, the fiscal year 2000 Appropriations Act for Agriculture, Rural Development, and Related Agencies. Included in this Act is more than $4 billion for the Special Supplemental Nutrition Program for Women, Infants, and Children commonly known as the WIC program. This is one of the most successful programs provided by the federal government, and I am glad to see that an increase above last year's level is provided in this Act.

However, I have concerns about language in the statement of managers to accompany this conference report about the WIC program. This language relates to the so-called ''sugar cap'' and I would like to ask my friend from Wisconsin, the ranking member of the appropriations subcommittee, about this specific provision.

Mr. KOHL. I thank the Senator from Michigan, and he is correct, there is language in the statement of managers that instructs the Department of agriculture not to make any exceptions to the WIC sugar cap.

Mr. LEVIN. I ask the Senator, did this or any similar language appear in either the House or Senate measures before the conference committee convened?

Mr. KOHL. This particular language was offered in the conference committee, and it does not appear in either the House or Senate versions of the fiscal year 2000 appropriations bills or reports.

Mr. LEVIN. I thank the Senator. I was surprised to learn that language relating to specific nutritional policy of the USDA—policy that has been the subject of significant study and debate within the agency for years—that language which appears to reach a conclusion on the outcome of years of study has been slipped into the fiscal year 2000 appropriations report. This language appeared, *deus ex machina*, at the very last minute and without discussion by all the conferees. Thankfully, the language is not binding on USDA, so the agency can continue with their

decision making process, without being bound by the language in the conference report.

Substantively, the report language conflicts with the USDA's own recommendations on children's diets. When the National Association of WIC Directors and the USDA's Center for Nutrition Policy and Promotion both urge people to add fruit to their cereal, it is irrational and incoherent to deny people the opportunity to obtain fruit in their cereal. But that is what the report language would accomplish.

USDA should make a determination on how the sugar cap on breakfast cereals in the WIC package of foods should be calculated and how best to incorporate fruit into WIC participants' diets. The agency should bring nutritional science and common sense to the task, and it should ensure that the rule is consistent with the nutritional recommendations that it makes regarding children's diets.

Mrs. FEINSTEIN. Mr. President, I agree with my colleague that the USDA, which has the expertise to make an informed decision about the value of fruit and other foods in children's diets should be left alone to design the composition of the WIC food packages. Over the past several years, the Agriculture, Rural Development, and Related Agencies appropriations bill has become a vehicle for the debate surrounding the content of sugar in certain foods eligible for inclusion in the WIC program. More recently, the fiscal year 1999 Statement of Managers instructed the Department to provide $300,000 for a study by the National academy of Sciences on this issue, which was not conducted. Now, the fiscal year 2000 Statement of Managers includes language directing that no exception to the sugar cap be made. I assume that this pattern of direction is as frustrating to all of us as it is to WIC program administrators, participants, and suppliers.

Our goal, quite simply, should be to promote a healthy diet for all Americans. USDA nutrition policy should consider the totality of U.S. eating habits and aim for consumer education and program implementation that deals with a person's overall diet rather than one burdened by requirements attached in a piecemeal fashion.

It is unfortunate that the grip of political consideration has taken hold of a matter best left to nutritionists and those trained in the science of public health. It is also unfortunate that the result has been inconsistent policy development where certain nutritional limitations have been imposed on some components of USDA nutrition programs, but not on others. This issue should be resolved by experts who can best determine dietary guidelines properly suited for all Americans. My intent also does not suggest that USDA nutrition programs should be made more complicated than they are, but that a simple injection of common sense should prove refreshing and, hopefully, a basis for sound public policy.

Mr. KOHL. I appreciate the view of the Senators from Michigan and California regarding this issue. For many years, I too have grown concerned by the trend away from healthy food choices and toward eating patterns that may lead to tremendous health care costs in the future. To the extent that human health is a result or human choices, there is probably no better example than in what we choose to eat.

In my opinion, American consumers receive too much persuasion regarding diet from our popular culture and far too little from those best qualified to provide good counsel. In the instance of the matter raised by the Senator from Michigan, I am not sure what benefits to public policy are achieved by an never ending discussion within political circles where expertise in human nutrition is probably lacking. Does this send a good strong message to the American consumer regarding the right choices to make regarding nutrition? I hardly think so.

It is time, it is long time, for politicians to step back and let the experts decide what is best for the American consumer. The Senator from Michigan makes some valid points regarding the need for a common sense approach to nutrition and public health. I hope the Department of agriculture recognizes that their responsibly transcends the political winds where some matters, such as sound nutritional advice, have no place. I would not expect doctors at the Mayo Clinic to take my advice on how to proceed with a delicate operation. Further, I would not expect nutrition experts at USDA to take my advice on what details best constitute a totally balance diet for a certain population beyond my suggestion that they use their best judgement base don their knowledge and experience. If they don't follow those standards it is unclear why they are there in the first place.

TOBACCO PROVISIONS

Mr. MCCONNELL. Mr. President, it is my understanding that the tobacco provisions of this bill, will provide an additional $328,000,000 in funds for farmers who produce the major cigarette tobaccos—burley and flue-cured tobacco. It is those farmers who have been the most affected by recent developments with respect to the manufacture and use of cigarettes. It is those farmers also who are the subject of the recent ''Phase II Settlement'' in which moneys are being made available to burley and flue-cured tobacco growers through the use of State trusts. It is also my understanding that the bill's reference to those farms who receive ''quotas'' under the Agriculture Adjustment Act of 1938, is intentional, and does limit the relief, to burley and flue-cured tobacco. The reference to ''quotas'' is to poundage quotas and burley and flue-cured tobacco are the only tobaccos under the current regulatory scheme that receive poundage ''quotas'' as opposed to acreage allotments. This limitation to burley and flue-cured tobaccos is intentional and reflects recent developments.

Mr. COCHRAN. The gentleman from Kentucky is correct.

Mr. MCCONNELL. I thank the Senator.

Mr. DOMENICI. Mr. President, I rise in support of the Agriculture, Rural Development, Food and Drug Administration and Related Agencies Appropriations conference report for fiscal year 2000.

The conference report provides $68.6 billion in new budget authority (BA) and $48.5 billion in new outlays to fund most of the programs of the Department of Agriculture and other related agencies. Within this amount, $8.7 billion in BA, and $8.3 billion in outlays is designated as emergency spending for farmers who have experienced weather-related disasters, and for additional market transition payments to compensate farmers for depressed commodity prices. All of the discretionary funding in this bill is nondefense spending. When outlays from prior-year appropriations and other adjustments are taken into account, the conference report totals $73.0 billion in BA and $55.7 billion in outlays for FY 2000.

The Agriculture Appropriations Subcommittee 302(b) conference allocation totals $73.0 billion in BA and $55.7 billion in outlays. Within this amount, $22.7 billion in BA and $22.6 billion in outlays is for nondefense discretionary spending, of which $8.7 billion in BA, and $8.3 billion in outlays are designated as emergency spending. For discretionary spending in the bill, and counting (scoring) all the mandatory savings in the bill, the conference report is at the Subcommittee's 302(b) allocation in BA and outlays. It is $8.7 billion in BA and $8.5 billion in outlays above the 1999 level for discretionary spending, $1.1 billion in BA and $1.0 billion in outlays above the Senate-passed bill, and $8.2 billion in BA and $7.7 billion in outlays above the President's request for these programs.

I recognize the difficulty of bringing this bill to the floor at its 302(b) allocation. I appreciate the committee's support for a number of ongoing projects and programs important to my home State of New Mexico as it has worked to keep this bill within its budget allocation.

Mr. President, I ask unanimous consent that a table displaying the Senate Budget Committee scoring of the bill be printed in the RECORD.

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

H.R. 1906, AGRICULTURE APPROPRIATIONS, 2000, SPENDING COMPARISONS—CONFERENCE REPORT

[Fiscal year 2000, in millions of dollars]

	General Purpose	Crime	Mandatory	Total
Conference Report:				
Budget authority	22,687	.....	50,295	72,982
Outlays	22,578	.....	33,088	55,666

H.R. 1906, AGRICULTURE APPROPRIATIONS, 2000, SPENDING COMPARISONS—CONFERENCE REPORT—Continued

[Fiscal year 2000, in millions of dollars]

	General Purpose	Crime	Mandatory	Total
Senate 302(b) allocation:				
Budget authority	22,687	.....	50,295	72,982
Outlays	22,578	.....	33,088	55,666
1999 level:				
Budget authority	14,005	.....	41,460	55,465
Outlays	14,093	.....	33,429	47,522
President's request:				
Budget authority	14,520	.....	50,295	64,815
Outlays	14,831	.....	33,088	47,919
House-passed bill:				
Budget authority	13,882	.....	50,295	64,177
Outlays	14,508	.....	33,088	47,596
Senate-passed bill:				
Budget authority	21,619	.....	50,295	71,914
Outlays	21,532	.....	33,088	54,620
CONFERENCE REPORT COMPARED TO:				
Senate 302(b) allocation:				
Budget authority	.....	.....	.....	.....
Outlays	.....	.....	.....	.....
1999 level:				
Budget authority	8,682	.....	8,835	17,517
Outlays	8,485	.....	−341	8,144
President's request:				
Budget authority	8,167	.....	.....	8,167
Outlays	7,747	.....	.....	7,747
House-passed bill:				
Budget authority	8,805	.....	.....	8,805
Outlays	8,070	.....	.....	8,070
Senate-passed bill:				
Budget authority	1,068	.....	.....	1,068
Outlays	1,046	.....	.....	1,046

Note.—Details may not add to totals due to rounding. Totals adjusted for consistency with scorekeeping conventions.

Mr. THOMPSON. Mr. President, I rise today to express my disappointment that the agriculture appropriations conference report that Congress is sending to the President does not ratify a Southern Dairy Compact that 14 state legislatures have approved.

I recently met with several dairy farmers from Tennessee who stressed to me the importance of the Southern Dairy Compact to their farms' survival. Dramatic fluctuations in the price of milk continue, and it is increasingly difficult for these family farms, many of which have been passed down from one generation to the next, to hang on during the hard times. Let me illustrate how dire the situation is: in the last two years, 400 dairy farms in Tennessee have been forced out of business, reducing the total number of farms producing Grade-A milk in the state to under 1,000 for first time since anyone started counting.

Today I will vote to cut off a filibuster on the agriculture appropriations conference report because America's farmers are in urgent need of the disaster assistance the bill provides and cannot afford any delay in its delivery, but I am no less committed to the establishment of a Southern Dairy Compact. I believe it would provide the stability in milk prices that dairy farmers need to survive and would protect the region's local supply of milk. Fourteen southern states, including Tennessee, have voted to participate in the Southern Dairy Compact, and it's now up to Congress to ratify it. I will continue to work with my colleagues in the Senate to get that done.

Mr. BURNS. Mr. President, I thank Chairman COCHRAN and his staff for putting together a bill that encompasses the needs of agriculture. I also thank Chairman STEVENS for his cooperation during the agricultural appropriations process. I am pleased with the funding that went to my home State of Montana as well as to important national programs for agriculture.

During this economic crisis in agriculture, immediate funding needs of farmers and ranchers must be addressed. I believe this bill does that. The $8.7 billion package contains important funding for Agricultural Marketing Transition Act, AMTA payments for wheat and barley producers in Montana, as well as $322 million for livestock producers and $650 million in crop insurance.

Additionally, I am thrilled that price reporting was included in the final bill at my request. I have been trying to secure price reporting for our livestock producers for quite some time now. This legislation will provide producers with the information they need to make prudent marketing decisions, and take the control out of the hands of the meat packers.

Four major packers control 79% of the meat-packing industry. It is necessary to have this price reporting information accessible to producers so that they may take advantage of the best possible market opportunities available. Additionally, they must have the assurance that they are receiving accurate data.

The majority of livestock producers in Montana sell their feeder calves to feeder markets, which are highly concentrated. Increased concentration within the agricultural industry provides them fewer and fewer options open for marketing. Price reporting will increase market transparency and present producers an accurate view of the market.

The National Cattlemen's Beef Association, the American Sheep Industry, and the National Pork Producers Council worked extensively with State producer organizations and the packers to craft a bill that will work for everyone and directly benefit producers. The end result of this work is the legislation included in agricultural appropriations as ordered reported by the Senate Committee on Agriculture on July 29, 1999. I join all of these interested parties in directing the Department of Agriculture and the administration generally to this document for use in the correct interpretation and administration of this important law.

I am disappointed that policy issues such as dairy and food-related sanctions were eventually stripped from this bill. I believe these concerns must be addressed as soon as possible. I will support Option 1–A legislation in H.R. 1402, in order to ensure my dairy farmers are taken care of. Additionally, I will support Senator ASHCROFT in his efforts to exempt food and medicine from sanctioned countries. American farmers and ranchers stand much to lose by not having all viable markets open to them.

Again, I thank the fine chairman, Mr. COCHRAN, for all his good work on this bill. I will continue to work for Montana farmers and ranchers to make sure they make not only a decent living but one that is profitable and fulfilling.

I thank the Chair.

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, the clerk will report the motion to invoke cloture.

The assistant bill clerk read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the conference report to accompany H.R. 1906, the Agriculture appropriations bill:

Trent Lott, Thad Cochran, Tim Hutchinson, Conrad Burns, Christopher S. Bond, Ben Nighthorse Campbell, Robert F. Bennett, Craig Thomas, Pat Roberts, Paul Coverdell, Larry E. Craig, Michael B. Enzi, Mike Crapo, Frank H. Murkowski, Don Nickles, and Pete Domenici.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call under the rule has been waived.

The question is, Is it the sense of the Senate that debate on the conference report to accompany H.R. 1906, the Agriculture appropriations bill, shall be brought to a close?

The yeas and nays are required under the rule.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from Connecticut, Mr. DODD, is absent because of illness in the family.

The yeas and nay resulted—yeas 79, nays 20, as follows:

[Rollcall Vote No. 322 Leg.]

YEAS—79

Abraham	Durbin	Landrieu
Akaka	Edwards	Levin
Allard	Enzi	Lincoln
Ashcroft	Feingold	Lott
Baucus	Feinstein	Lugar
Bayh	Fitzgerald	Mack
Bennett	Frist	McCain
Bingaman	Gorton	McConnell
Bond	Graham	Murkowski
Boxer	Gramm	Murray
Breaux	Grams	Reid
Brownback	Grassley	Robb
Bryan	Hagel	Roberts
Bunning	Harkin	Rockefeller
Burns	Hatch	Sessions
Byrd	Helms	Shelby
Campbell	Hollings	Smith (OR)
Cleland	Hutchinson	Stevens
Cochran	Hutchison	Thomas
Conrad	Inhofe	Thompson
Coverdell	Inouye	Thurmond
Craig	Johnson	Voinovich
Crapo	Kennedy	Warner
Daschle	Kerrey	Wellstone
DeWine	Kerry	Wyden
Domenici	Kohl	
Dorgan	Kyl	

NAYS—20

Biden	Lieberman	Sarbanes
Chafee	Mikulski	Schumer
Collins	Moynihan	Smith (NH)
Gregg	Nickles	Snowe
Jeffords	Reed	Specter
Lautenberg	Roth	Torricelli
Leahy	Santorum	

NOT VOTING—1

Dodd

The PRESIDING OFFICER. On this vote, the yeas are 79, the nays are 20.

Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

Mr. COCHRAN addressed the Chair.

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

Mr. COCHRAN. Mr. President, on behalf of the leader, I will propound the following unanimous consent request which has been cleared, I am told, on both sides of the aisle. It relates to the further handling of the Agriculture conference report.

I ask unanimous consent that notwithstanding rule XXII, at 9:30 a.m. on Wednesday there be up to 5 hours equally divided for debate between Senator COCHRAN and the minority manager or his designee, with an additional hour under the control of Senator WELLSTONE, on the Agriculture appropriations conference report, and that following the use or yielding back of time, the Senate proceed to vote on adoption of the conference report without any intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. COCHRAN. Mr. President, I have been authorized, on behalf of the leader, to announce, for the information of all Senators, there will be no more votes tonight.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

MORNING BUSINESS

Mr. CRAIG. Mr. President, I ask unanimous consent that the Senate now proceed to a period of morning business, with Senators permitted to speak for up to 10 minutes each.

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

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business Friday, October 8, 1999, the Federal debt stood at $5,660,032,556,386.77 (Five trillion, six hundred sixty billion, thirty-two million, five hundred fifty-six thousand, three hundred eighty-six dollars and seventy-seven cents).

One year ago, October 8, 1998, the Federal debt stood at $5,534,496,000,000 (Five trillion, five hundred thirty-four billion, four hundred ninety-six million).

Fifteen years ago, October 8, 1984, the Federal debt stood at $1,572,268,000,000 (One trillion, five hundred seventy-two billion, two hundred sixty-eight million).

Twenty-five years ago, October 8, 1974, the Federal debt stood at $477,151,000,000 (Four hundred seventy-seven billion, one hundred fifty-one million) which reflects a debt increase of more than $5 trillion—$5,182,881,556,386.77 (Five trillion, one hundred eighty-two billion, eight hundred eighty-one million, five hundred fifty-six thousand, three hundred eighty-six dollars and seventy-seven cents) during the past 25 years.

TITLE XX SOCIAL SERVICES BLOCK GRANTS

Mr. FEINGOLD. Mr. President, I rise to speak about some grave concerns I have regarding the dramatic and unprecedented cuts to Title XX, the Social Services Block Grant, in S. 1650, the Labor-Health and Human Services Appropriations bill.

As I am sure many of my colleagues are aware, the Social Services Block Grant is currently authorized at $2.38 billion, but the Senate bill provides for only $1.05 billion, a reduction of more than 50%, for Fiscal Year 2000. In addition, it appears that the bill would also accelerate the reduction in transferability of Temporary Assistance for Needy Families—or TANF—from 10% to 4.25%. In other words, not only has the appropriation been slashed in half, the ability of the states and counties to transfer other dollars into SSBG is also sharply reduced.

My immediate reaction when I learned about these cuts to SSBG was enormous disappointment. When I travel through each of Wisconsin's 72 counties each year holding town-meeting style listening sessions, many of my constituents have discussed with me the value and importance of SSBG funds in enabling the provision of vitally-needed services for some of our most vulnerable citizens. I have the benefit of a very engaged and active Counties Association to keep me informed about the importance of assuring SSBG funding.

But perhaps not all of my colleagues share my good fortune in this respect, perhaps some of our colleagues are not aware of the value of SSBG funds in their own states and communities—that is the only reason I can think of why these cuts are included in the bill. In the event that that is the case, please allow me a few moments to elaborate on the important services that SSBG dollars fund in my home state of Wisconsin:

Wisconsin counties received more than $42 million in SSBG dollars in FY 1997, the most recent year for which data is available. Those dollars provided services to Wisconsin's Seniors such as home meal delivery programs like meals-on-wheels, day programs for seniors, and supportive home care. SSBG dollars also help to provide crucial services to protect children, such as investigating potential child abuse cases and providing protective services for children who ARE being abused, and providing for after school programs so that children have a safe place to go in the afternoon. Throughout Wisconsin, SSBG dollars have enabled Wisconsin's counties to provide these services to 283,964 Wisconsinites—many of whom will lose access to these services if SSBG is further cut.

Lastly, let me illustrate what the impact of SSBG cuts means for some communities in Wisconsin: the Rainbow Center for Prevention of Child Abuse in Dane County, Wisconsin, will have to cut services for 130 families. In Milwaukee County, 428 patients will not receive outpatient mental health care, and 550 adults seeking drug and alcohol abuse treatment will be turned away. Milwaukee County will also lose funding for more than 2,000 shelter nights for the homeless and victims of domestic violence.

Mr. President, I hope that this short description of the many ways SSBG supports and strengthens counties and local communities helps to illustrate why a 50% reduction in funds will be so devastating. I hope that House and Senate conferees will restore SSBG to its authorized amount for Fiscal Year 2000 so that the counties who so rely on these funds will be able to provide the services our constituents need, services that are vital to supporting and strengthening our communities.

I thank the Chair.

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.)

REPORT ON THE OPERATION OF THE CARIBBEAN BASIN ECONOMIC RECOVERY ACT—MESSAGE FROM THE PRESIDENT—PM 63

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Finance.

To the Congress of the United States:

As required by section 214 of the Caribbean Basin Economic Recovery Expansion Act of 1990 (19 U.S.C. 2702(f)), I transmit herewith to the Congress the Third Report on the Operation of the Caribbean Basin Economic Recovery Act.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *October 12, 1999.*

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. TORRICELLI (for himself and Mrs. MURRAY):

S. 1716. A bill to amend the Federal Insecticide, Fungicide, and Rodenticide Act to require local educational agencies and schools to implement integrated pest management systems to minimize the use of pesticides in schools and to provide parents, guardians, and employees with notice of the use of pesticides in schools, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. BOND (for himself, Mr. BREAUX, Mr. MCCAIN, Mr. BAUCUS, and Mrs. LINCOLN):

S. 1717. A bill to amend title XXI of the Social Security Act to provide for coverage of pregnancy-related assistance for targeted low-income pregnant women; to the Committee on Finance.

By Mr. KERRY (for himself and Mr. DURBIN):

S. 1718. A bill to amend the Internal Revenue Code of 1986 to provide a credit for medical research related to developing vaccines against widespread diseases; to the Committee on Finance.

By Mr. HUTCHINSON (for himself, Mr. SANTORUM, Mr. ABRAHAM, Mr. COVERDELL, Mr. MCCAIN, Mr. DEWINE, Mrs. HUTCHISON, and Mr. BROWNBACK):

S. 1719. A bill to provide flexibility to certain local educational agencies that develop voluntary public and private parental choice programs under title VI of the Elementary and Secondary Education Act of 1965; to the Committee on Health, Education, Labor, and Pensions.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. COVERDELL (for himself, Mr. CLELAND, Mr. BUNNING, Mr. SESSIONS, Mr. KOHL, Mr. FEINGOLD, Mr. MACK, Mr. MURKOWSKI, Mr. STEVENS, Mr. LAUTENBERG, Mr. WYDEN, Mr. DEWINE, Mr. COCHRAN, Mr. CRAIG, Mr. MCCONNELL, Mr. TORRICELLI, Mr. MCCAIN, Mr. HAGEL, Mr. BURNS, Mr. DURBIN, and Mr. SCHUMER):

S. Res. 201. A resolution congratulating Henry ''Hank'' Aaron on the 25th anniversary of breaking the Major League Baseball career home run record established by Babe Ruth and recognizing him as one of the greatest baseball players of all time; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BOND (for himself, Mr. BREAUX, Mr. MCCAIN, and Mr. BAUCUS):

S. 1717. A bill to amend title XXI of the Social Security Act to provide for coverage of pregnancy-related assistance for targeted low-income pregnant women; to the Committee on Finance.

MOTHERS AND NEWBORNS HEALTH INSURANCE ACT OF 1999

● Mr. BOND. Mr. President, I rise today to introduce a bill that I believe is vitally important to the health care of children and pregnant women in America. The goal of this legislation is simple—to make sure more pregnant women and more children are covered by health insurance so they have access to the health care services they need to be healthy.

The need is great—on any given day, almost 12 million children and almost half a million pregnant women do not have health insurance coverage. For many of these women and children, they or their family simply can't afford insurance. Many others are actually eligible for a public program like Medicaid or CHIP, but they don't know they are eligible and are not signed up.

Lack of health insurance can lead to numerous health problems, both for children and for pregnant women. A child without health coverage is much less likely to receive the health care services that are needed to ensure the child is healthy, happy, and fully able to learn and grow. An uninsured pregnant woman is much less likely to get critical prenatal care that reduces the risk of health problems for both the woman and the child. Babies whose mothers receive no prenatal care or late prenatal care are at-risk for many health problems, including birth defects, premature births, and low birthweight.

The bill I am introducing—along with Senators BREAUX, MCCAIN, and BAUCUS—deals with this insurance problem in two ways.

First, it allows states to provide prenatal care for low-income pregnant women under the state's CHIP program if the state chooses.

Through the joint federal-state Children's Health Insurance Program, states are currently expanding the availability of health insurance for low-income children. However, federal law prevents states from using CHIP funds to provide prenatal care to low-income pregnant women over age 19, even though babies born to many low-income women become eligible for CHIP as soon as they are born.

As many as 45,000 additional women could be covered for prenatal care. There are literally billions of dollars of CHIP funds that states have not used yet, so I would hope that most states would choose this option. This provision will not impact federal CHIP expenditures because it does not change the existing federal spending caps for CHIP. Babies born to pregnant women covered by a state's CHIP program would be automatically enrolled and receive immediate coverage under CHIP themselves. It is foolish to deny prenatal care to a pregnant mother and then—only after the baby is born—provide the child with coverage under CHIP. Prenatal care can be just as important to a newborn baby as postnatal care, and the prenatal care is of course important for the mother as well.

Second, the bill will help states reach out to women and children who are eligible for—but not signed up for—Medicaid or CHIP. 358,000 pregnant women and 3 million children are estimated to be eligible for but not enrolled in Medicaid. Millions of additional children are eligible for but not yet enrolled in CHIP. When Congress passed the welfare reform bill back in 1996, we created a $500 million fund that states could tap into to make sure that all Medicaid-eligible people stayed in Medicaid. The problem is that only about 10 percent of that fund has been used, and most states are about to lose their 3-year window of opportunity to use these funds. My bill would allow states continued access to these funds by eliminating the 3-year deadline, and it would give states more flexibility to use the funds to reach out to both Medicaid and CHIP-eligible women and children.

This legislation is a smaller piece of a bill I introduced earlier this year called Healthy Kids 2000. By extracting it from the larger bill, we get a chance to show the widespread support I believe exists for these measures. I believe this is crucial legislation, and urge my colleagues to join me in support of it so that we can pass this bill.●

● Mr. BREAUX. Mr. President, I rise today to join Senator BOND in introducing the Mothers and Newborns Health Insurance Act of 1999. This is important legislation regarding our children's health.

More than 12 million women of childbearing age—one in five—lacked health insurance in 1998, according to the Census Bureau. Lack of insurance leads to bad outcomes for pregnant woman and the children. Pregnant women without health insurance face barriers to care and do not receive the medical attention they need to have healthy babies. The Mothers and Newborns Health Insurance Act could provide insurance coverage to virtually all pregnant women in the United States. Such coverage will have an enormous impact on the health of children in our nation, by ensuring pregnant women have access to prenatal care and automatically enrolling their babies in their State Children's Health Insurance Program.

In the United States, 7.6 out of 1000 babies die before their first birthday. Our nation is ranked 25th, in the world for our infant mortality rate. The statistics in my home state are even more disheartening; in Louisiana where 24.7% of childbearing age women are uninsured, there are 9.8 deaths per 1000 births. Many of these deaths are preventable, and good prenatal care is the first step to ensuring that babies see their first birthday.

The Mothers and Newborns Health Insurance Act of 1999 addresses these concerns in three ways. One, it would amend Title XXI of the Social Security Act to give states the options to use Children's Health Insurance Program (CHIP) funds for health insurance coverage of uninsured low income pregnant women. Two, it would automatically enroll newborns to CHIP eligible women in CHIP for one year. And

three, our bill would provide states additional opportunities to tap into a $500 million fund created by the 1996 welfare reform act to help expand Medicaid outreach efforts. This bill would allow the fund to be used for any Medicaid or CHIP outreach initiatives.

This Act could provide insurance coverage to 95% of currently uninsured women, by both increasing outreach efforts to pregnant women eligible for Medicaid and by giving states the option to extend CHIP coverage to low income pregnant women over the age of 18. Since the enactment of the welfare reform law, many people who are eligible for Medicaid or CHIP coverage do not realize it and remain unenrolled. It is estimated that 358,000 pregnant woman and 3 million children are eligible for but not enrolled in Medicaid. Millions of additional children are eligible for but not yet enrolled in CHIP.

This legislation has the potential to lower healthcare costs and keep our babies healthy. By removing barriers to prenatal care access and automatically enrolling babies in their State Children's Health Insurance Program, we can give our children a head start on good health. Research shows that access to appropriate prenatal care improves the outcome of pregnancy. According to the March of Dimes, prenatal care—especially among lower income women—reduces the risk of low birth weight threefold and results in decreased infant mortality rates and healthier babies. According to the Institute of Medicine, each dollar spent on prenatal care for women at high risk, saves $3.38 in medical care costs for low birth-weight babies.

This legislation is an important step to ensuring our children have bright and healthy future. I thank Senator BOND for his leadership on this bill, and I urge my colleagues to join us in supporting the Mothers and Newborns Health Insurance Act of 1999.●

By Mr. KERRY (for himself, and Mr. DURBIN):

S. 1718. A bill to amend the Internal Revenue Code of 1986 to provide a credit for medical research related to developing vaccines against widespread diseases; to the Committee on Finance.

LIFESAVING VACCINE TECHNOLOGY ACT OF 1999

Mr. KERRY. Mr. President, I rise today to introduce the Lifesaving Vaccine Technology Act of 1999 with my friend and colleague from Illinois, Senator DURBIN.

Mr. President, each year malaria, tuberculosis and AIDS kill more than 7 million people, disproportionately in the developing world. Each of these diseases is potentially preventable by vaccination.

A recent column in the Boston Globe by David Nyhan sums up the situation facing the developing world succinctly.

Tuberculosis causes more deaths than any other infectious disease, killing 3 million people annually. One hundred thousand children die from TB each year. The World Health Organization estimates that between now and 2020, ''nearly one billion more people will be newly infected, 200 million people will get sick, and 70 million will die from tuberculosis, if control is not strengthened. Tuberculosis is not just an issue for some faraway countries; in the United States, more than 19,000 cases of tuberculosis are reported annually and increasingly we are seeing drug-resistant strains of tuberculosis in this country but especially in the states of the former Soviet Union where, according to one CDC doctor, an epidemic is taking place of ''the worst situation for multidrug resistant tuberculosis ever documented in the world.'' Other areas of the world, such as central India, Bangladesh, Latvia, Congo, Uganda, Peru are also experiencing near-epidemic tuberculosis crises.

According to the World Health Organization, malaria kills more than 2 million people every year, and the disease is an important public health problem in 90 countries inhabited by almost half of the world's population. Each year, one million children under the age of five die from complications associated with malaria. Again, Mr. President, malaria is a disease we tend to associate with foreign exotic lands, and overlook the fact that in this country, more than one thousand people are stricken by malaria each year. Researchers at the National Institute of Allergies and Infectious Diseases contend that ''conventional control measures . . . appear increasingly inadequate. . . As a result of drug-resistant parasites and insecticide-resistant mosquitoes, fewer tools to control malaria exist today than did 25 years ago.''

Last year, the human immunosuppressant virus took the lives of 2.5 million, of which more than 500,000 were children under the age of 15. In the United States, almost one million are currently living with HIV-disease and 40,000 are newly infected each year. In Zimbabwe and Botswana, as many as 25 percent of the adult population is infected with HIV. In Zambia, 72 percent of households contain a child orphaned by AIDS. South Africa, which was largely isolated from HIV during its apartheid years, is now home to 10 percent of the new infections in Africa, and in the country's most populous province, KwaZulu-Natal, one-third of adults are HIV-infected. Analysts claim that India is an AIDS disaster-in-waiting: half a million people in one of India's smallest rural states (Tamil Nadu) are HIV-positive, as are fifteen percent of the women in one of India's more populous states (Maharashtra).

While AIDS is entirely preventable in this country and abroad, and while behavioral interventions for HIV have proven effective at reducing infection rates, many factors, including political obstacles, insufficient prevention funding, forced sexual encounters, and the difficulty of maintaining safe behavior over a lifetime, mean that a vaccine will be required for control of this worldwide epidemic.

And, yet, Mr. President, biotechnology and pharmaceutical companies in the United States, the home of the most innovative research and development in the world, are not working on vaccines to the world's largest killers. Market disincentives—especially the lack of a viable, cash-rich market—play against investment into these vaccines. Private-sector scientists and chief executive officers have a difficult time justifying to their boards an investment in developmental research toward these vaccines as long as other pharmaceutical research and development into products appealing to the developed world, like anti-depressants or Viagra, present more attractive investments.

This market failure and the need for incentives is shown most dramatically by last year's survey by the Pharmaceutical Research and Manufacturers of America. Of the 43 vaccine projects found to be in development by the survey not one was for HIV, malaria or tuberculosis. To find vaccines for the biggest infectious disease killers in the world, both the private and public sectors must be engaged in a bolder, more creative and dramatic way.

Mr. President, with that in mind, we are introducing the Lifesaving Vaccine Technology Act, which establishes an income tax credit for 30 percent of the qualified expenses for medical research related to the development of vaccines against widespread diseases like malaria, HIV and tuberculosis, which according to the World Health Organization, cause more than one million deaths annually.

This bill also declares that it is the sense of Congress that if the vaccine research credit is allowed to any corporation or shareholder of a corporation, the corporation should certify to the Secretary of the Treasury that, within one year after that vaccine is first licensed, the corporation will establish a good faith plan to maximize international access to high quality and affordable vaccines. In addition, the bill expresses the sense of Congress that the President and Federal agencies (including the Departments of State, Health and Human Services, and the Treasury) should work together in vigorous support of the creation and funding of a multi-lateral, international effort, such as a vaccine purchase fund, to accelerate the introduction of vaccines to which the vaccine research credit applies and of other priority vaccines into the poorest countries of the world. Lastly, the bill expresses the sense of Congress that flexible or differential pricing for vaccines, providing lowered prices for the poorest countries, is one of several valid strategies to accelerate the introduction of vaccines in developing countries.

Mr. President, this legislation has received the support of the American

Public Health Association, the Global Health Council, AIDS Action, the AIDS Policy Center for Children, Youth and Families, the International AIDS Vaccine Initiative and the AIDS Vaccine Advocacy Coalition. And, I am especially pleased that the Clinton Administration has signaled their approval of our approach. At his most recent speech before the General Assembly of the United Nations, President Clinton committed ''the United States to a concerted effort to accelerate the development and delivery of vaccines for malaria, TB, AIDS and other diseases disproportionately affecting the developing world.''

This bill is highly targeted: it will cost relatively little to implement but would have a profound impact on America's response to international public health needs. And it would complement—certainly not supplant—current federal efforts at USAID, the NIH and other federal agencies to assist developing countries and to bolster vaccine research.

Mr. President, this legislation is a companion to a bipartisan bill introduced in the other body by my friend and colleague from San Francisco, Congresswoman NANCY PELOSI, and 36 co-sponsors. Over the years, I have had the honor to work with the distinguished Congresswoman on various pieces of legislation. The nation is in her debt for her tenacity and her overwhelming sense of duty to country. Her constituents benefit daily from her leadership, and I am pleased to be associated with her again today.

I am hopeful that the positive response Congresswoman PELOSI has found in the other body is replicated in the Senate and that our colleagues join the Senator from Illinois, Senator DURBIN, and I in passing the Lifesaving Vaccine Technology Act as quickly as possible.

Mr. President, I ask unanimous consent that the Nyhan column, an article which appeared in the Albany Times-Union about the market difficulties of developing an AIDS vaccine, and a Congressional Research Service study of the bill be printed in the RECORD.

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

[From the Boston Globe, Oct. 1, 1999]

IT'S MOSTLY BAD NEWS FOR THE POOREST PEOPLE ON THE PLANET

(By David Nyhan)

Human nature being what it is, the hawkers of news prosper more off what arouses the customer than that which accurately informs.

That's why you get more sizzle than steak, particularly when matters ''foreign'' are addressed. Pictures of a boy dragged from the earthquake's rubble or a riot squad in action are more compelling than footage of some middle-aged bureaucrat rattling on about poverty statistics. But today we're holding the sizzle and serving you teak in the form of speeches made in Washington this week before the annual meeting of the World Bank and the International Monetary Fund, two outfits that have become punching bags for a lot of people who are convinced they know what's wrong with the planet.

What is really going on here on Spaceship Earth?

Some good things: Life expectancy, on average, has gone up more in the last 40 years than in the previous 4,000. The Internet means near-universal access to information. Then there are the not-so-good trends, World Bank chief James Wolfensohn said Tuesday:

''Per-capita incomes which will stagnate or decline this year in all regions except East and South Asia. . . . with the exception of China, 100 million more people living in poverty today than a decade ago. In at least 10 countries in Africa, the scourge of AIDS has reduced life expectancy by 17 years. More than 33 million cases of AIDS in the world, of which 22 million are in Africa. Some 1.5 billion people still lacking access to safe water, and 2.4 million children who die each year of waterborne diseases. Some 125 million children still not in primary school. . . . A world where the information gap is widening. And the forests are being destroyed at the rate of an acre a second.''

These statistics are almost impossible to believe. In the time it takes to sneeze, three acres of forest are burned. And everything revolves around money. It is poverty that holds half of mankind in chains.

Next month the planet's ridership surpasses 6 billion human beings. How do they live now? Half of humanity gets along on the equivalent of $2 a day or less. Half of that half lives on less than $1 a day. When a child born today reaches the age of 25, there will be 2 billion more people fighting for air, water, food, space, roofs, jobs, schooling, roads, sewers, farmland. Only development will spare them a life of perilous poverty.

As the earthling more responsible than any single individual, perhaps even more obligated than the President of the United States, for the well-being of mankind and the development of economic structures to make mankind's future more secure, Wolfensohn asked: ''What have we learned about development?''

''We have learned that development is possible but not inevitable, that growth is essential but not sufficient to ensure poverty reduction.'' And it is essential to help poor people with local institutions, controlled by them, insulated against the corruption, both petty and grand, that turns so many cops and bureaucrats in poor countries into petty despots or grand thieves on the scale of the Baligate thieves who sacked the treasury of Indonesia and pitched the world's fourth-largest nation into anarchy.

He quoted from a massive World Bank study, ''Voice of the Poor,'' distilled from 60,000 poor people in 60 countries: ''Poverty is much more than a matter of income alone. The poor seek a sense of well-being—which is peace of mind.''

Here's the bulletin: The poor of the planet are just like us cozy Americans. What they want is what we've got. ''It is good health, community, and safety. It is choice, and freedom, as well as a steady source of income.'' He quoted the old African woman: ''to live in love without hunger''; the Eastern European survivor of communism: ''to be well is to know what will happen to me tomorrow''; the mother in Southeast Asia: ''When my child asks for something to eat, I say the rice is cooking until he falls asleep from hunger. For there is no rice.''

The day after Wolfensohn laid out the challenge, President Clinton showed up to announce cancellation of that portion of the debt owed the United States by 36 of the poorest countries that had not already been forgiven. The Pope and a number of celebrities had been agitating for debt forgiveness.

The Clinton administration had already written off about 90 percent of that debt, and this final write-off of what once totaled nearly $6 billion will encourage the campaigners of Jubilee 2000 to press other lender nations to follow suit. Clinton has been a very good President, all things considered, for the poorest people of the planet. He alluded to the high-priced lobbying that goes on in the jousting between agricultural haves to carve out more elbow room at the trough of market share: ''Because we want to fight over who sells the most food . . . are we supposed to accept the fact that nearly 40 million people a year die of hunger? That's nearly equal to the number of all the people killed in World War II.''

He had more good lines, such as ''the wealth of nations depends upon the health of nations.'' But you get the idea. We rich nations are our brother's keeper; sister's too.

[From the Albany Times Union, Mar. 14, 1999]

DRUG MAKERS STILL RELUCTANT TO INVEST IN HIV VACCINE

SCIENTIFIC UNCERTAINTY, DRUG ECONOMICS COMBINE TO DISCOURAGE EFFORTS

(By Eric Rosenberg)

WASHINGTON.—Soon after the AIDS epidemic exploded in the 1980s, Dr. Donald Burke, a senior researcher at Baltimore's Johns Hopkins University, began work on a vaccine against HIV, the virus that causes the deadly disease.

Burke made progress but knew he needed the financial backing and laboratory firepower of a pharmaceutical manufacturer in order to succeed.

''I went to all the major companies that were involved in AIDS work at the time,'' said Burke, now the director of the university's Center for Immunization Research. ''I couldn't get anybody interested and I was shocked.''

Burke's experience highlights the fact that, with a few exceptions, the pharmaceutical industry has been reluctant to commit resources toward such a goal, despite worldwide demand for a vaccine to protect against a disease that afflicts 35 million people and infects 16,000 more people daily.

According to the Pharmaceutical Research and Manufacturers of America, a trade organization that represents prescription drug makers, companies are sinking research dollars into 101 new treatments for people infected with HIV.

These include new classes of antiviral drugs to suppress the HIV virus once a person is infected; medications to fight AIDS-related diseases such as Kaposi's Sarcoma; and drugs to fend off opportunistic infections that attack when the immune system is suppressed by HIV.

Although President Clinton has made development of an AIDS vaccine a top priority and Congress has budgeted nearly $200 million this year alone for the effort, companies are investing in only 12 experimental vaccine proposals.

Nearly 20 years after the disease erupted, only one AIDS vaccine has received Food and Drug Administration approval for widespread human testing. That vaccine is under development by VaxGen, a small, 52-employee biotechnology firm, of South San Francisco, Calif.

More than 90 percent of the world's vaccines against other diseases are produced by five companies: Merck & Co., of Whitehouse Station, N.J., SmithKline Beecham and Wyeth-Lederle of Philadelphia, Pasteur Merieux Connaught of Swiftwater, Pa., and Chiron Corp. of Emeryville, Calif.

All are involved to varying degrees in AIDS vaccine research. For example,

SmithKline Beecham has only a small AIDS vaccine effort underway. ''At this point it's not one of the major efforts in our vaccine programs,'' said Richard Koenig, a SmithKline spokesman.

Pasteur, on the other hand, has aggressively pursued an experimental vaccine that is nearing government approval for a large-scale human study.

Other companies started, but then curtailed, AIDS vaccine programs. They include Bristol-Myers Squibb, British Biotech and Immuno AG.

Dr. Donald Francis, president of VaxGen and a former AIDS specialist at the federal Centers for Disease Control and Prevention, said that if VaxGen and Pasteur fail, ''There's nothing five years behind us. That's it in the AIDS vaccine field.''

Lagging science and drug economics are the two considerations underlying the modest corporate interest in AIDS vaccines.

Scientists have made strides unlocking the mysteries of how the virus operates after it infects a person. While the knowledge has been key to making new drugs that slow or halt the disease's deadly progression, it doesn't point to the discovery of a vaccine that would render a healthy person immune to HIV.

Dr. Peggy Johnston, the assistant director for AIDS vaccines at the National Institute for Allergy and Infectious Diseases, said company officials worry that not enough is known about how HIV works to warrant a large vaccine investment.

''There are enormous challenges that AIDS presents that are unparalleled compared with other viruses,'' said Johnston.

For example, HIV is proving more resilient than other viruses. Vaccines typically fend off disease by stimulating the body's production of antibodies which in turn destroy an invading virus. However, HIV appears to defend itself with a kind of sugar-based shield to fend off antibodies.

Another problem is that different strains of HIV exist in the West and in Africa and Asia. So a vaccine to protect against the North American variety might not work against other strains.

The economics of vaccines also are daunting.

The average vaccine costs about $100 million to develop. But because the scientific understanding of HIV is murky, a company could commit the resources and more than a decade of work and still fail to invent a vaccine.

In order to make a profit on vaccines, which are typically priced in the $1 to $5 per shot range, a drug maker must sell millions of inoculations. While industrialized countries could easily afford the price, much of the developing world, which is the largest potential market for an AIDS vaccine, would have difficulty.

The profitability issue is fueling a proposal by the International AIDS Vaccine Initiative (IAVI), an advocacy group based in New York, that is pressing wealthy nations to create a $1 billion AIDS vaccine purchase fund for the Third World, effectively assuring profit to a successful manufacturer.

''We think the fund would provide a very strong incentive for industry,'' said Victor Zonana, a vice president at IAVI. ''The companies would know that in addition to their markets in industrialized countries, they would have a guaranteed paying market in developing countries.''

But pharmaceutical executives believe that even with such a fund in place, a vaccine won't be as profitable as are AIDS therapeutic drugs, which are taken for the lifetime of a patient as opposed to only a few times, as are vaccines.

MEMORANDUM

CONGRESSIONAL RESEARCH SERVICE,
LIBRARY OF CONGRESS,
Washington, DC, October 6, 1999.

To: Hon. Nancy Pelosi and Hon. John Kerry; attention: Chris Collins and Ryan McCormick.

From: Gary Guenther, analyst in business taxation and finance, government and finance.

Subject: Effectiveness of the proposed tax credits for vaccine research in H.R. 1274.

Responding to your request, this memorandum assesses the likely effectiveness of the proposed tax credits for vaccine research in H.R. 1274. Effectiveness in this case signifies the likely rise in domestic investment in vaccine research and development (R&D) in response to the tax credits. This method of assessing the proposed credits' effectiveness boils down to comparing the additional vaccine R&D induced by one dollar of tax credit claimed, which is a way of analyzing the benefit-cost ratio for the credit. The proposed credits also raise the issue of whether such a subsidy can be justified on economic grounds. This issue is discussed briefly in the final section.

Two noteworthy conclusions emerge from the analysis presented here. One is that the proposed tax credits can be expected to spur increased investment in vaccine R&D by the private sector, by both increasing expected after-tax returns on this investment and improving the access of small startup firms to equity capital for investment in vaccine R&D. The second conclusion relates to the economic rationale for the proposed tax credits: they are justified on economic grounds to the extent that they attempt to correct failures in the market for vaccines that result in economically inefficient levels of domestic investment in vaccine R&D.

If you have any questions about this analysis, please call me at 7–7742.

THE ECONOMICS OF VACCINE INNOVATION

Vaccines are among the most cost-effective weapons in the arsenal of modern medicine against the spread of contagious diseases, lethal and non-lethal. By strengthening an individual's immune system to resist a wide range of infectious diseases, they offer a relatively inexpensive means of lowering a society's overall cost of medical care. While historically vaccines have been used to prevent a variety of diseases, intensive efforts are being made to develop vaccines that can treat certain diseases—mainly cancer and AIDS—after an individual contracts them.

On the whole, the development of new vaccines is a long, costly, and risky process. It typically takes 10 years and requires outlays of $100 million to bring a new vaccine from the research laboratory to the medical marketplace.[1] In addition, firms seeking to develop new vaccines face a considerable risk of failure. A 1989 study estimated that only 3 out of 10 vaccines that enter clinical trials end up being approved for general use.[2] For the most part, vaccine development passes through the same stages as the development of new therapeutic drugs: a period of basic research or discovery, followed by the filing of an investigational new drug application with the U.S. Food and Drug Administration (FDA), followed by three stages of clinical trials. Vaccine development, however, departs from the path of new drug development during the third phase of clinical trials, when a firm developing a new vaccine must file both a product license application and an establishment license application with the FDA; firms developing new therapeutic drugs only are required to file a new drug application at this stage. Once the FDA is satisfied that the vaccine is safe and effective and that the plant where it is produced meets the FDA's stringent standards for purity, cleanliness, and quality control, the vaccine can be marketed in the United States. This means that the FDA requires vaccine firms to construct and start up manufacturing facilities for new products several years before they can gain marketing approval—and thus begin to earn a return on the funds invested in their development.

The economics of vaccine innovation has important implications for the structure of the vaccine industry. High fixed costs for research, production setup, and obtaining and maintaining FDA marketing approval result in marginal vaccine production costs that are significantly below average vaccine production costs. Such a cost structure is not conducive to the existence of multiple sellers of the same vaccines. As a seller's output expands, its average costs decline; and as those costs fall, its ability to underprice its competitors and still cover its costs grows.[3] The degree of competition in the world vaccine industry seems to confirm this crucial point. Vaccine production in the United States and the rest of the world has been highly concentrated: in 1994, four firms (Institut Merieux, Merck, SmithKline Beecham, and American Cyanamid) accounted for between 65% and 80% of world sales of vaccines; and in 1993, the same four firms produced nearly all the pediatric vaccines purchased in the United States.[4]

In the United States, the federal government finances the lion's share of basic research in vaccines, where the emphasis is on understanding the fundamental mechanisms of infectious disease and the immune system. Once a vaccine research project advances to the level of applied research and development, where the emphasis is on producing and testing specific products with commercial potential, the private sector takes the lead in financing. Near the end of the development cycle for vaccines, the federal government becomes more involved again by helping fund clinical trials to test the safety and efficacy of new vaccines.[5] According to one estimate, the federal government provided $500 million (or 36%) of the $1.4 billion spent on U.S. vaccine R&D in 1995, and the private sector contributed the remaining $900 million (or 64%), with the lion's share coming from four large, established sellers of vaccines: Merck, the Wyeth-Lederle division of American Home Products, SmithKline Beecham, and the Pasteur Merieux Connaught division of Rhone Poulenc.[6]

In the past decade, the private sector has shown a vibrant interest in vaccine innovation, and investment in vaccine R&D has risen accordingly. While a number of factors have come together to spur this interest, a key driving force has been the revolutionary advances in the understanding of the molecular basis of the immune system and disease engineered by biotechnology. Recombinant technology is now being used to improve existing vaccines and to produce new ones, to design more efficient combinations of existing vaccines, and to find better ways of delivery than a shot in the arm. Moreover, most vaccine industry executives are convinced that the new vaccines developed through the application of recombinant technology will gain patent protection, unlike traditional vaccines which are derived from naturally occurring organisms and thus not eligible for patent protection. Patented vaccines tend to command much higher prices in private markets than those lacking patent protection. By one account, as of May 1998, at least 50 biotechnology firms had joined the large, established producers of vaccines

Footnotes at end of document.

in the search for new vaccines, and about 75 new vaccines were in various stages of development worldwide.[7] The economies of scale in vaccine production, however, make it unlikely that many of small startup firms now engaged in vaccine R&D will grow into large, independent producers. Although public data on vaccine R&D are sparse and not systematically collected, figures on pharmaceutical R&D reported by the Pharmaceutical Research and Manufacturers of America (PhRMA) appear to underscore the renewed interest in vaccine R&D in the pharmaceutical industry. In its latest profile of the U.S. pharmaceutical industry, PhRMA reports that domestic R&D investment in biologicals, a product class that is dominated by vaccines, rose from $274 million (or 4.7% of domestic pharmaceutical R&D) in 1989 to $716.8 million (or 5.3% of domestic pharmaceutical R&D) in 1996.

INTENDED PURPOSE OF H.R. 1274, THE LIFESAVING VACCINE TECHNOLOGY ACT OF 1999

The central aim of H.R. 1274 is to boost U.S. investment in the development of vaccines for diseases that kill large numbers of people each year, especially in developing countries. Its chief policy instrument for achieving this objective is a tax credit equal to 30% of qualified vaccine research expenses in a tax year. Under the bill, qualified vaccine research expenses are defined as a firm's in-house and contract research expenses related to the discovery and development of vaccines for malaria, tuberculosis, HIV, or any infectious disease that kills over one million persons annually, as determined by the World Health Organization. The definition of qualified research expenses under H.R. 1274 is identical to the definition of research expenses that qualify for the research and experimentation (R&E) tax credit, with one significant exception: the proposed vaccine research tax credit would apply to 75% of qualified contract research expenses, whereas the R&E tax credit applies to only 65% of such expenses—except in the case of contract research performed by certain research consortia, where 75% of the expenses qualify for the credit. Like the R&E tax credit, public or private grants for vaccine research are ineligible for the credit. In addition, any research expenses claimed for the vaccine research credit cannot also be claimed for the R&E tax credit, although qualified vaccine research expenses could be used to calculate the base amount for the R&E credit; and with the exception of expenses for human clinical testing conducted abroad, no credit is available for foreign vaccine research. H.R. 1274 also specifies that the proposed vaccine research credit would become part of the general business credit and thus subject to its limitations; any portion of the vaccine research credit that cannot be used in the tax year in which it is earned could be carried forward to a succeeding tax year, but the unused portion could not be carried back beyond the year in which the credit was enacted. Finally, like the R&E credit, qualified research expenses that are deducted under section 174 of the Internal Revenue Code (IRC) must be reduced by the amount of any vaccine research credit claimed. This requirement has important implications for the marginal effective rate of the credit, because whatever vaccine research credit is claimed in effect is taxed at a firm's marginal corporate income tax rate.

H.R. 1274 would also create a less direct tax subsidy for vaccine R&D. This subsidy is targeted at investors and is intended to make it easier for small firms involved in vaccine R&D to raise money in equity markets. Specifically, the bill would grant individuals or firms that purchase the ''qualified research stock'' of small firms undertaking or funding qualified vaccine research a tax credit equal to 20% of the amount they pay for the stock, provided two conditions are met. First, the firm whose stock is bought must use the proceeds within 18 months of the date of purchase to pay for research that qualifies for the vaccine reseach credit. Second, the firm must waive its right to claim a tax credit for the vaccine research funded by the stock purchases. Under H.R. 1274, qualified research stock is defined as any stock issued by a firm that is subject to the corporate income tax and has gross assets of $50 million or less; the stock must be issued after the date the bill is enacted and acquired ''at its original issue in exchange for money or other property (not including stock).''

LIKELY IMPACT OF H.R. 1274 ON U.S. VACCINE R&D

How are the proposed tax subsidies in H.R. 1274 likely to affect vaccine R&D? The answer hinges largely on the effect of the subsidies on two key determinants of business R&D investments: the expected after-tax rate of return on such investments and the availability and cost of capital to finance the investments.

For firms seeking to develop new or improved vaccines, the decision to invest in R&D is no different in principle from a decision to invest in any other capital asset, such as a new production facility. The key considerations are the expected after-tax returns on the proposed R&D projects, the cost of capital or funds for the projects, and the availability of funds to finance the projects. Small startup firms are more likey than large, well-established firms to have trouble funding R&D projects out of retained earnings or raising funds in debt or equity markets to finance these projects. In theory, a vaccine firm will invest in R&D projects up to the point where the expected after-tax rate of return on a possible project matches the firm's cost of capital. Projects with the largest gap between expected after-tax rates of returns and the cost of capital are likely to receive the highest priority.

H.R. 1274 can be expected to increase the level of domestic vaccine R&D by both increasing the expected after-tax rates of return on possible research projects and improving the access of smaller, newer vaccine firms to equity markets. The proposed flat 30-percent tax credit on qualified vaccine research would be one of the factors shaping the expected after-tax returns on vaccine R&D investments. Other important factors are the eventual size of the market for the vaccine, the predictability of prices and usage rates for the vaccine, expected production costs, exposure to liability suits for side effects of the vaccine, patent protection, the ease of entry into the market for the vaccine, and the cost of capital.[8] The proposed credit would increase expected after-tax rates of return. Under current tax law, firms performing vaccine R&D can claim the 20% R&E tax credit for qualified research. But because of the rules governing the use of the credit, the marginal effective rate of the credit is 6.5% or 13% on each additional dollar spent on vaccine research by firms in the 35-percent corporate tax bracket. If H.R. 1274 were enacted, the same firms could claim a tax credit for qualified research with a marginal effective rate of 19.5%; the rate would not be 30% because of the requirement that any credit claimed must be added to a firm's taxable income. All other things being equal, as a firm's marginal effective rate for the vaccine research credit goes up, the after-tax rate of return to this research rises.

In addition, vaccine firms that are constrained by a lack of funds in pursuing research opportunities could be expected to invest more in vaccine R&D if H.R. 1274 were enacted. Investors would be eligible for a flat 20% tax credit on purchases of common stock issued by small vaccine firms, provided the firms invest the proceeds from the stock purchases in qualified research within 18 months of the purchase. As a result, investors would face lower marginal tax rates on the returns to these investments than on the returns to alternative investments. This difference could lead them to invest more in small vaccine firms than they otherwise would, augmenting their available funds for R&D. Innovation is the main route of entry into the vaccine business for small firms.

How much is vaccine R&D spending likely to increase in response to the proposed credit? This is difficult to analyze in the absence of reliable estimates of the responsiveness of vaccine R&D to changes in its after-tax price. The proposed credit lowers the after-tax price of qualified R&D, and in theory vaccine firms can be expected to perform more R&D as a result. A variety of studies have estimated that in the 1980s the ''tax price elasticity of total (U.S.) R&D spending'' was unity or even higher, meaning that U.S. firms responded to a 1% decline in the after-tax price of R&D by increasing their R&D spending by 1% in that decade.[9] Assuming vaccine firms exhibit the same tax price elasticity today, a research tax credit with a marginal effective rate of 19.5% could lead to a rise of as much as 19.5% in domestic vaccine R&D spending. However, this estimate cannot be regarded as reliable and could be greatly exaggerated, because it is unlikely that the sensitivity of R&D investment to changes in its after-tax price remains constant over time and is the same for all kinds of R&D projects, and because vaccine firms would be likely to differ in their ability to use the credit in any given year.

Furthermore, there is some reason to believe that the proposed vaccine research tax credit would eventually be as cost-effective as direct spending by the federal government on vaccine R&D. A number of studies have concluded that the existing R&E tax credit yields roughly a dollar-for-dollar increase in reported R&D at the margin, but that in the early years of the credit firms were not as responsive as they were adjusting to the credit's availability.[10] In other words, these studies suggest that government spending programs and the R&E tax credit are equally effective in increasing the amount of qualified research performed in the United States.

ECONOMIC JUSTIFICATION FOR A TAX CREDIT FOR VACCINE RESEARCH

Under conventional economic theory, the use of a subsidy such as a research tax credit is justified if its ultimate aim is to correct some sort of market failure. In the case of R&D, the R&E tax credit is one way to offset the tendency of firms to underinvest in R&D because of the gap between the social and private returns to research. Economists argue that in the absence of government support for R&D, firms are likely to invest too little in R&D because they cannot appropriate all the returns to those investments. So the R&E tax credit, by lowering the after-tax cost of qualified research, is intended to spur firms to invest more in R&D than they otherwise would. Ideallly, the added R&D stimulated by the credit is enough to raise domestic R&D spending to the level commensurate with the social returns to R&D. The market failure that the R&E tax credit is attempting to remedy is underinvestment in R&D arising from the inability of firms performing R&D to capture all the profits generated by the investment.

These considerations raise the issue of whether the proposed tax credit for vaccine research in H.R. 1274 is justified on economic grounds. Is there a failure in the market for

vaccines that would warrant the adoption of such a subsidy? As was suggested earlier, there are external economic benefits from controlling the spread of infectious diseases. The cost to society of preventing an outbreak of an infectious disease tends to be much lower than the cost of treating the outbreak that might occur in the absence of immunization. This raises the possibility that private firms invest less in vaccine R&D than its potential social benefits warrant. Partly in an effort to correct for such a market failure, the federal government supports vaccine R&D through its funding of basic research in vaccines and clinical trials for new vaccines. Its research support is also intended to direct vaccine investment to address current and future public health needs. In addition, it offers two tax subsidies for R&D, namely: the R&E tax credit and the expensing of R&D costs under IRC section 174. Although these subsidies are not targeted at vaccine research but are available to all firms that perform qualified research, they benefit vaccine firms by increasing their potential aftertax rate of returns on R&D investments. The proposed vaccine research tax credit would supplant the R&D tax credit for vaccine firms, but its treatment of qualified research would be more favorable, increasing the expected profitability of vaccine F&D investment relative to other kinds of R&D investment.

Thus, an important policy issued for Congress is whether the current level of domestic vaccine R&D investment is socially desirable or efficient. And if not, would the proposed tax credit in H.R. 1274 be more efficient than added federal funding of vaccine R&D or some other policy measure (such as government grants to international agencies that purchase and distribute needed vaccines in poor countries) in raising total investment to such a level. From the perspective of economic efficiency, the R&D projects that should be promoted are those with the largest gaps between the social and private rates of return. Yet vaccine firms are likely to use any research tax credits to fund first those projects with the highest expected private rates of return. At the same time, there is no certainty that the federal government could do a better job of targeting those vaccine R&D projects with the largest spillover effects. If it is determined that domestic vaccine R&D is less than socially optimal, perhaps a combination of a targeted tax credit like the one proposed in H.R. 1274 and increased government support for basic and applied vaccine research would be more attractive than relying solely on one instrument or the other.

Another policy issue for Congress raised by the proposed tax credits in H.R. 1274 relates to the external benefits of mass immunizations. The economic benefits to a society from vaccinations far outweigh the benefits to individual consumers, who in deciding whether or not to purchase vaccines for themselves or their children tend to consider only the costs and benefits to themselves and not the potential benefits to others in the community. Even if the market for vaccines were perfectly competitive, it is unlikely that immunization levels would be socially optimal.[11] Thus government intervention in the development and distribution of vaccines is certainly justified on economic grounds. The proposed tax credits would spur the development of new vaccines, but they would not lessen any of the barriers to the achievement of universal immunization with available vaccines. Low immunization rates are due to a variety of factors, including out-of-pocket costs, parental attitudes and knowledge, access to health clinics or doctors' offices, the perceived efficacy of vaccines, and the perceived risk of contracting diseases for which vaccines exist.[12] Clearly, other policy initiatives would be needed to address these factors.

FOOTNOTES

[1] Sing, Merrile and Mary Kaye Willian. ''Supplying Vaccines.'' Supplying Vaccine: An Economic Analysis of Critical Issues. Pauly, Mark, et al., editors. Washington, D.C., IOS Press, 1996. P. 61.

[2] Grabowski, Henry G. and John M. Vernon. The Search For New Vaccines. Washington, D.C., American Enterprise Institute Press, 1997. P. 20.

[3] Pauly, Mark V. and Bridget E. Cleff. ''The Economics of Vaccine Policy: A Summary of the Issues.'' Supplying Vaccines. P. 7.

[4] Sisk, Jane E. ''The Relationship between Scientific Advances and the Research, Development, and Production of Vaccines in the United States.'' Supply Vaccines. p. 181; and FIND/SVP. The World Market for Vaccines. New York, October 1995. P. 169.

[5] Sisk, Jane E. Supplying Vaccines. P. 177.

[6] Marcuse, Edgar K., et. al. ''United States Vaccine Research: A Delicate Fabric of Public and Private Collaboration.'' Pediatrics, December 1997. P. 1017.

[7] Vaccines: Big Shots. Economist, May 9, 1998. P. 63.

[8] Sisk, Jane E. Supplying Vaccines. P. 175.

[9] Hall, Bronwyn H. and John van Reenen. How Effective Are Fiscal Incentives for R&D: A Review of the Evidence. Working Paper 7098. Cambridge, MA, National Bureau of Economic Research, April 1999. P. 21.

[10] Hall, Bronwyn H. How Effective Are Fiscal Incentives for R&D? P. 21.

[11] Holtmann, Alphonse G. ''The Economics of U.S. Immunization Policy.'' Supplying Vaccine. P. 155.

[12] Pauly, Mark V. and Bridget E. Cleff. ''The Economics of Vaccine Policy.'' Supplying Vaccine. P. 12–16.

ADDITIONAL COSPONSORS

S. 26

At the request of Mr. FEINGOLD, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 26, a bill entitled the ''Bipartisan Campaign Reform Act of 1999''.

S. 51

At the request of Mr. BIDEN, the name of the Senator from Delaware (Mr. ROTH) was added as a cosponsor of S. 51, a bill to reauthorize the Federal programs to prevent violence against women, and for other purposes.

S. 80

At the request of Ms. SNOWE, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of S. 80, a bill to establish the position of Assistant United States Trade Representative for Small Business, and for other purposes.

S. 345

At the request of Mr. ALLARD, the name of the Senator from Michigan (Mr. ABRAHAM) was added as a cosponsor of S. 345, a bill to amend the Animal Welfare Act to remove the limitation that permits interstate movement of live birds, for the purpose of fighting, to States in which animal fighting is lawful.

S. 1110

At the request of Mr. LOTT, the name of the Senator from Michigan (Mr. ABRAHAM) was added as a cosponsor of S. 1110, a bill to amend the Public Health Service Act to establish the National Institute of Biomedical Imaging and Engineering.

S. 1264

At the request of Ms. SNOWE, the name of the Senator from South Dakota (Mr. DASCHLE) was added as a cosponsor of S. 1264, a bill to amend the Elementary and Secondary Education Act of 1965 and the National Education Statistical Act of 1994 to ensure that elementary and secondary schools prepare girls to compete in the 21st century, and for other purposes.

S. 1265

At the request of Mr. COVERDELL, the name of the Senator from South Carolina (Mr. HOLLINGS) was added as a cosponsor of S. 1265, a bill to require the Secretary of Agriculture to implement the Class I milk price structure known as Option A–1 as part of the implementation of the final rule to consolidate Federal milk marketing orders.

S. 1277

At the request of Mr. GRASSLEY, the names of the Senator from Wyoming (Mr. ENZI) and the Senator from South Carolina (Mr. THURMOND) were added as cosponsors of S. 1277, a bill to amend title XIX of the Social Security Act to establish a new prospective payment system for Federally-qualified health centers and rural health clinics.

S. 1448

At the request of Mr. HUTCHINSON, the name of the Senator from South Dakota (Mr. DASCHLE) was added as a cosponsor of S. 1448, a bill to amend the Food Security Act of 1985 to authorize the annual enrollment of land in the wetlands reserve program, to extend the program through 2005, and for other purposes.

S. 1539

At the request of Mr. DODD, the names of the Senator from Washington (Mrs. MURRAY) and the Senator from New Mexico (Mr. BINGAMAN) were added as cosponsors of S. 1539, a bill to provide for the acquisition, construction, and improvement of child care facilities or equipment, and for other purposes.

S. 1547

At the request of Mr. BURNS, the names of the Senator from Massachusetts (Mr. KERRY) and the Senator from Hawaii (Mr. AKAKA) were added as cosponsors of S. 1547, a bill to amend the Communications Act of 1934 to require the Federal Communications Commission to preserve low-power television stations that provide community broadcasting, and for other purposes.

S. 1619

At the request of Mr. DEWINE, the names of the Senator from Montana (Mr. BURNS), the Senator from Idaho, (Mr. CRAIG), and the Senator from North Carolina (Mr. HELMS) were added as cosponsors of S. 1619, a bill to amend the Trade Act of 1974 to provide for periodic revision of retaliation lists or other remedial action implemented under section 306 of such Act.

S. 1644

At the request of Mr. ABRAHAM, the name of the Senator from North Carolina (Mr. HELMS) was added as a cosponsor of S. 1644, a bill to provide additional measures for the prevention and punishment of alien smuggling, and for other purposes.

SENATE CONCURRENT RESOLUTION 32

At the request of Mr. CONRAD, the name of the Senator from North Carolina (Mr. HELMS) was added as a cosponsor of Senate Concurrent Resolution 32, a concurrent resolution expressing the sense of Congress regarding the guaranteed coverage of chiropractic services under the Medicare+Choice program.

SENATE RESOLUTION 190

At the request of Mr. CAMPBELL, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of Senate Resolution 190, a resolution designating the week of October 10, 1999, through October 16, 1999, as National Cystic Fibrosis Awareness Week.

SENATE RESOLUTION 201—CONGRATULATING HENRY ''HANK'' AARON ON THE 25TH ANNIVERSARY OF BREAKING THE MAJOR LEAGUE BASEBALL CAREER HOME RUN RECORD ESTABLISHED BY BABE RUTH AND RECOGNIZING HIM AS ONE OF THE GREATEST BASEBALL PLAYERS OF ALL TIME

Mr. COVERDELL (for himself, Mr. CLELAND, Mr. BUNNING, Mr. SESSIONS, Mr. KOHL, Mr. FEINGOLD, Mr. MACK, Mr. MURKOWSKI, Mr. STEVENS, Mr. LAUTENBERG, Mr. WYDEN, Mr. DEWINE, Mr. COCHRAN, Mr. CRAIG, Mr. MCCONNELL, Mr. TORRICELLI, Mr. MCCAIN, Mr. HAGEL, Mr. BURNS, Mr. DURBIN, and Mr. SCHUMER) submitted the following resolution; which was considered and agreed to:

S. RES 201

Whereas Henry ''Hank'' Aaron hit a historic home run in 1974 to become the all-time Major League Baseball home run leader;

Whereas Henry ''Hank'' Aaron over the course of his career created a lasting legacy in the game of baseball and continues to contribute to society through his Chasing the Dream Foundation;

Whereas Henry ''Hank'' Aaron hit more than 40 home runs in 8 different seasons;

Whereas Henry ''Hank'' Aaron appeared in 20 All-Star games;

Whereas Henry ''Hank'' Aaron was elected to the National Baseball Hall of Fame in his first year of eligibility, receiving one of the highest vote totals (406 votes) in the history of National Baseball Hall of Fame voting;

Whereas Henry ''Hank'' Aaron was inducted into the National Baseball Hall of Fame on August 1, 1982;

Whereas Henry ''Hank'' Aaron finished his career in 1976 with 755 home runs, a lifetime batting average of .305, and 2,297 runs batted in;

Whereas Henry ''Hank'' Aaron taught us to follow our dreams;

Whereas Henry ''Hank'' Aaron continues to serve the community through his various commitments to charities and as corporate vice president of community relations for Turner Broadcasting;

Whereas Henry ''Hank'' Aaron became one of the first African-Americans in Major League Baseball upper management, as Atlanta's vice president of player development; and

Whereas Henry ''Hank'' Aaron is one of the greatest baseball players: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates Henry ''Hank'' Aaron on his great achievements in baseball and recognizes Henry ''Hank'' Aaron as one of the greatest professional baseball players of all time; and

(2) commends Henry ''Hank'' Aaron for his commitment to young people, earning him a permanent place in both sports history and American society.

AMENDMENTS SUBMITTED

THE COMPREHENSIVE NUCLEAR TEST-BAN TREATY

DASCHLE EXECUTIVE AMENDMENT NO. 2291

Mr. BIDEN (for Mr. DASCHLE) proposed an amendment to the resolution to advise and consent to the Comprehensive Nuclear Test-Ban Treaty (Treaty Document 105–28); as follows:

Strike all after the resolving clause and insert the following:

''SECTION 1. SENATE ADVICE AND CONSENT SUBJECT TO CONDITIONS.

The Senate advises and consents to the ratification of the Comprehensive Nuclear Test Ban Treaty, opened for signature and signed by the United States at New York on September 24, 1996, including the following annexes and associated documents, all such documents being integral parts of and collectively referred to in this resolution as the ''Treaty,'' (contained in Senate Treaty document 105–28), subject to the conditions in section 2:

(1) Annex 1 to the Treaty entitled ''List of States Pursuant to Article II, Paragraph 28''.

(2) Annex 2 to the Treaty entitled ''List of States Pursuant to Article XIV''.

(3) Protocol to the Comprehensive Nuclear Test-Ban Treaty.

(4) Annex 1 to the Protocol.

(5) Annex 2 to the Protocol.

SEC. 2. CONDITIONS.

The advice and consent of the Senate to the ratification of the Treaty is subject to the following conditions, which shall be binding upon the President:

(1) STOCKPILE STEWARDSHIP PROGRAM.—The United States shall conduct a science-based Stockpile Stewardship program to ensure that a high level of confidence in the safety and reliability of nuclear weapons in the active stockpile is maintained, including the conduct of a broad range of effective and continuing experimental programs.

(2) NUCLEAR LABORATORY FACILITIES AND PROGRAMS.—The United States shall maintain modern nuclear laboratory facilities and programs in theoretical and exploratory nuclear technology that are designed to attract, retain, and ensure the continued application of human scientific resources to those programs on which continued progress in nuclear technology depends.

(3) MAINTENANCE OF NUCLEAR TESTING CAPABILITY.—The United States shall maintain the basic capability to resume nuclear test activities prohibited by the Treaty in the event that the United States ceases to be obligated to adhere to the Treaty.

(4) CONTINUATION OF A COMPREHENSIVE RESEARCH AND DEVELOPMENT PROGRAM.—The United States shall continue its comprehensive research and development program to improve its capabilities and operations for monitoring the Treaty.

(5) INTELLIGENCE GATHERING AND ANALYTICAL CAPABILITIES.—The United States shall continue its development of a broad range of intelligence gathering and analytical capabilities and operations to ensure accurate and comprehensive information on worldwide nuclear arsenals, nuclear weapons development programs, and related nuclear programs.

(6) WITHDRAWAL UNDER THE ''SUPREME INTERESTS'' CLAUSE.—

(A) SAFETY AND RELIABILITY OF THE U.S. NUCLEAR DETERRENT; POLICY.—The United States—

(i) regards continued high confidence in the safety and reliability of its nuclear weapons stockpile as a matter affecting the supreme interests of the United States; and

(ii) will regard any events calling that confidence into question as ''extraordinary events related to the subject matter of the Treaty'' under Article IX(2) of the Treaty.

(B) CERTIFICATION BY SECRETARY OF DEFENSE AND SECRETARY OF ENERGY.—Not later than December 31 of each year, the Secretary of Defense and the Secretary of Energy, after receiving the advice of—

(i) the Nuclear Weapons Council (comprised of representatives of the Department of Defense, the Joint Chiefs of Staff, and the Department of Energy),

(ii) the Directors of the nuclear weapons laboratories of the Department of Energy, and

(iii) the Commander of the United States Strategic Command,

shall certify to the President whether the United States nuclear weapons stockpile and all critical elements thereof are, to a high degree of confidence, safe and reliable. Such certification shall be forwarded by the President to Congress not later than 30 days after submission to the President.

(C) RECOMMENDATION WHETHER TO RESUME NUCLEAR TESTING.—If, in any calendar year, the Secretary of Defense and the Secretary of Energy cannot make the certification required by subparagraph (B), then the Secretaries shall recommend to the President whether, in their opinion (with the advice of the Nuclear Weapons Council, the Directors of the nuclear weapons laboratories of the Department of Energy, and the Commander of the United States Strategic Command), nuclear testing is necessary to assure, with a high degree of confidence, the safety and reliability of the United States nuclear weapons stockpile.

(D) WRITTEN CERTIFICATION; MINORITY VIEWS.—In making the certification under subparagraph (B) and the recommendations under subparagraph (C), the Secretaries shall state the reasons for their conclusions, and the views of the Nuclear Weapons Council, the Directors of the nuclear weapons laboratories of the Department of Energy, and the Commander of the United States Strategic Command, and shall provide any minority views.

(E) WITHDRAWAL FROM THE TREATY.—If the President determines that nuclear testing is necessary to assure, with a high degree of confidence, the safety and reliability of the United States nuclear weapons stockpile, the President shall consult promptly with the Senate and withdraw from the Treaty pursuant to Article IX(2) of the Treaty in order to conduct whatever testing might be required.

AUTHORITY FOR COMMITTEES TO MEET

SELECT COMMITTEE ON INTELLIGENCE

Mr. HELMS. Mr. President, I ask unamimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Tuesday, October 12, 1999, at 2 p.m. to hold a closed hearing on intelligence matters.

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

SUBCOMMITTEE ON EAST ASIAN AND PACIFIC AFFAIRS

Mr. HELMS. 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, October 12, 1999, at 2 p.m. to hold a hearing.

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

ADDITIONAL STATEMENTS

HISPANIC HERITAGE MONTH

● Mr. CLELAND. This great nation, which was born as a nation of immigrants, is quickly becoming even more one of many faces, many voices, and many ideas, and it is this diversity which is one of our greatest assets. One of the fastest growing populations in our Nation today is the Hispanic American population. I rise before my colleagues today to bring attention to and celebrate the occasion of Hispanic Heritage Month.

This month of recognition is a wonderful opportunity to recognize the wide-ranging achievements and contributions of the Hispanic American population. This is a community with leadership which is notable in every facet of our society, a community filled with courage and persistence who have continually shown a commitment to family, business and education, and economic growth.

America's diverse and vibrant Hispanic population has made an enormous contribution to the building and strengthening of our nation, its culture, and its economic prowess. As the 21st century approaches, Hispanic Americans are poised to play an increasingly prominent role in our Nation's political, economic, and cultural life.

Look no further than Secretary of Energy Bill Richardson; or Small Business Administration head, Aida Alvarez; Chicago Cub Sammy Sosa; or entertainers Ricky Martin and Jennifer Lopez; or business leaders like Sal Diaz-Verson of Columbus, Georgia or the late Roberto Goizueta. Hispanic Americans offer a valuable and vital social, intellectual, and artistic component of American society and their culture deeply enriches the vast American landscape.

What unites Hispanic Americans is a fundamental respect for the traditions and values of their native lands combined with a strong commitment to the American dream. In return, we in the Congress must show a commitment to a legislative agenda that addresses the needs and priorities of Hispanic American families, which are in fact the same as the those of most Americans. We must continue the policies that have laid the foundation for the longest peacetime expansion of the economy, improve and strengthen our education system, provide access to quality healthcare, and protect this nation's children from crime and drugs.

Mr. President, I ask my colleagues to join me in recognizing the valuable contributions of the Hispanic American population and honoring Hispanic Heritage Month.●

TRIBUTE TO THE HOLOCAUST MEMORIAL CENTER

● Mr. ABRAHAM. Mr. President, I rise today to honor the Holocaust Memorial Center in West Bloomfield, Michigan, as they celebrate their 15th Anniversary, and to pay tribute to those whose lives have been affected by the Holocaust.

The work of the Holocaust Memorial Center and especially Executive Vice President Rabbi Charles Rosenveig is truly commendable. In working to keep alive the spirit of those who suffered, the Holocaust Memorial Center helps us remember. In highlighting the rich history and culture of the Jewish people, the Holocaust Memorial Center helps us learn.

The events of the Holocaust cast a dark shadow over history. And while it is painful to remember, the Holocaust Memorial Center will not let us forget. Indeed, their mission is expressed in their logo, which is composed of four Hebrew characters that spell the word Zachor, which means ''remember.''

On behalf of the United States Senate, I extend my warmest regards and best wishes to everyone in attendance at the 15th Anniversary Dinner and to all who have helped make the Holocaust Memorial Center an important educational resource for the State of Michigan and the country. I wish them continued success in their important mission.●

THE 6 BILLIONTH PERSON

● Mr. LEAHY. Mr. President, at 12:02 AM this morning the six billionth person was born. It was a boy, in Sarajevo.

It took hundreds of thousands of years for the world's population to reach 1 billion, but it has taken less than 40 years for it to double from 3 to 6 billion people. This is a staggering number with implications that are impossible to fully grasp or predict.

What we do know, however, is that 95 percent of new births are occurring in developing countries that are least equipped to deal with the consequences. From sub-Saharan Africa to Asia, people's most basic needs continue to go unmet.

Of the 4.8 billion people in developing countries, it is estimated that nearly 60 percent lack basic sanitation. Almost a third do not have access to clean water. A quarter do not have adequate housing and a fifth—about 1 billion people—have no access to modern health services.

We also know that population pressures threaten every aspect of the Earth's environment. Severe water shortages, shrinking forests, soil degradation, air and water pollution and the daily loss of animal and plant life have changed the face of the planet and contributed to famine, social unrest and massive displacement of people.

This is not to minimize the progress that has been made in slowing population growth rates. Thanks in large part to the availability of modern contraceptives, the average number of births per woman has declined from 6 to 3. In addition, people today enjoy longer, healthier lives than ever before. Women have more opportunities and choices. Technology has enhanced access to medical care, education and employment. In every corner of the globe, we have seen the dramatic successes that have been achieved through vigorous, well-funded foreign assistance programs.

But the disparities between haves and have nots is growing. Given what we know about the inextricable link between population growth, poverty, political instability, lack of social justice and environmental degradation, it is astonishing to me that every year there are those in Congress who continue to oppose funding for international family planning.

It is inexplicable that even though the world's population has doubled since 1960, Members of Congress, especially in the House, vociferously oppose funding the United Nations Population Fund which promotes access to voluntary reproductive health services for women around the world. They do so because UNFPA has a small program in China, which supports women's health, modern contraceptives, and other voluntary family planning services. It makes absolutely no sense, since these are precisely the interventions that reduce reliance on abortion as a method of family planning.

And this year's Foreign Operation's bill contains only $385 million for the Agency for International Development's family planning programs, a $150 million cut from what it was just five years ago.

It is a travesty that so many people around the world want family planning services and still cannot get them. Time and again it has been proven that when these services are available the number of abortions declines, lives are saved and opportunities for women, children and families dramatically increase.

It is also shortsighted. The decisions we make today will determine how long it will be before another billion people occupy this planet and whether our children and grandchildren are born into a world of poverty and deprivation or a world of opportunity and prosperity.

Mr. President, today is a sobering reminder of the need for the United States to resume its leadership in support of international family planning. We have the ability to help improve the lives of billions of people both now and in the future.●

TRIBUTE TO REAR ADMIRAL NORBERT RYAN, USN

• Mr. WARNER. Mr. President, I rise today to recognize and say farewell to an outstanding Naval Officer, Rear Admiral Norbert R. Ryan Jr., as he completes more than three years of distinguished service as the Navy's Chief of Legislative Affairs. It is a privilege for me to honor his many outstanding achievements and commend him for his devotion to the Navy and our great Nation.

A native of Mountainhome, Pennsylvania, Rear Admiral Ryan is a 1967 graduate of the United States Naval Academy. An outstanding aviator and officer, Rear Admiral Ryan was assigned as Chief of Legislative Affairs from August 1996 to October 1999. Through tireless effort, a keen sense of timing and decisive action, Admiral Ryan navigated Navy leadership through aggressive and demanding Congressional action on a wide variety of Navy programs during three complete legislative cycles. He ensured support for a difficult series of high profile and at times challenging issues to include the F/A–18 E/F, CVN–77/CVNX, DD–21 Acquisition Strategy, Tactical Tomahawk, *Virginia* Class Submarines, Shipyard maintenance, and the Navy's role in Kosovo.

Admiral Ryan initiated a groundbreaking series of Congressional Constituent Caseworker Workshops by geographical area to ensure congressional staff at the district level were provided the necessary tools and information on Navy and Marine Corps programs to be responsive to their constituents. He forged strong bonds with many key Members and their staffs ensuring the best interests of the Navy were fully understood and supported.

Admiral Ryan provided outstanding advice, recommendations, and strategies to the Secretary of the Navy and Chief of Naval Operations that have significantly and positively affected the future size, readiness, and capabilities of the Navy. As a result, Congress passed the FY00 Defense Authorization Bill that has been lauded by many Members as the best defense bill ever written.

Rear Admiral Ryan is a dynamic and resourceful naval officer who, throughout his time in Navy Liaison, has proven to be an indispensable asset to our Nation. He is a passionate advocate of the Navy, our Sailors and their families understanding better than anyone that they are truly the backbone of our national defense. His superior contributions and distinguished service will benefit both the Navy and the country he so proudly serves for years to come. As Rear Admiral Ryan leaves, we will certainly miss him. I am proud to thank him for his service as the Chief of Legislative Affairs and look forward with pride and deepest respect as we continue to work with him in his new assignment as Chief of Naval Personnel. There is no better officer aptly suited to lead the officers and Sailors into the 21st century.•

HONORING THE MEL BLOUNT YOUTH HOME OF GEORGIA, INC.

• Mr. CLELAND. Mr President, I rise today to honor the contributions of the Mel Blount Youth Home of Georgia, Inc. The primary mission of the Mel Blount Youth Home is to provide youth with the guidance, education, and life skills needed to get their lives back on track, resulting in self sufficient, productive contributors to society.

The Mel Blount Youth Home of Georgia, Inc., was founded in 1983 by Melvin and Clinton Blount. It is located in Vidalia, Georgia, and offers an alternative for troubled youths who have not been successful in their home environment. The home is licensed by the State of Georgia and serves youth from all around the country to meet the spiritual, educational, physical, and emotional needs of all children participating in the program.

The Mel Blount Youth Home program places an emphasis on academics, discipline and hard work with a consistent effort to meet the spiritual and emotional needs of young men placed the program. The average stay is from nine to eighteen months. Residents attend school on the grounds of the home and can earn credits toward graduation upon returning to high school at home. A GED program in collaboration with Southeastern Technical Institute is also offered. The academic program consists of a curriculum designed for youth who have been left behind in public school, with tutors available to work with each child on an individual basis.

The Mel Blount Youth Home of Georgia provides young men of diverse backgrounds and cultures who have experienced difficulty adjusting during adolescence a secure and safe haven to grow and develop. The home provides a family setting with a spiritual base in addition to a foundation which places high emphasis on education, hard work and discipline. For some youth, the Mel Blount Youth home is the only place they can call home.

Every child deserves to grow and develop in an environment where they are nurtured and molded by hands and hearts that care. Different circumstances have brought each child to the Mel Blount Youth Home, but all have come with a quiet hope of restarting their lives. At this home, they get a second chance.

I ask my colleagues in this body to join me in recognizing the noteworthy and noble mission of this great institution.•

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2000

On October 7, 1999, the Senate passed S. 1650, as follows:

S. 1650

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2000, and for other purposes, namely:

TITLE I—DEPARTMENT OF LABOR

EMPLOYMENT AND TRAINING ADMINISTRATION

TRAINING AND EMPLOYMENT SERVICES

For necessary expenses of the Workforce Investment Act, including the purchase and hire of passenger motor vehicles, the construction, alteration, and repair of buildings and other facilities, and the purchase of real property for training centers as authorized by the Workforce Investment Act; the Stewart B. McKinney Homeless Assistance Act; the National Skill Standards Act of 1994; and the School-to-Work Opportunities Act; $2,750,694,000 plus reimbursements, of which $1,380,266,000 is available for obligation for the period July 1, 2000 through June 30, 2001; of which $1,250,965,000 is available for obligation for the period April 1, 2000 through June 30, 2001; of which $53,463,000 is available for the period July 1, 2000 through June 30, 2003, for necessary expenses of construction, rehabilitation, and acquisition of Job Corps centers; and of which $55,000,000 shall be available from July 1, 2000 through September 30, 2001, for carrying out activities of the School-to-Work Opportunities Act: *Provided*, That $60,000,000 shall be for carrying out section 166 of the Workforce Investment Act, and $7,000,000 shall be for carrying out the National Skills Standards Act of 1994: *Provided further*, That no funds from any other appropriation shall be used to provide meal services at or for Job Corps centers: *Provided further*, That funds provided to carry out section 171(d) of such Act may be used for demonstration projects that provide assistance to new entrants in the workforce and incumbent workers: *Provided further*, That funding appropriated herein for Dislocated Worker Employment and Training Activities under section 132(a)(2)(A) of the Workforce Investment Act of 1998 may be distributed for Dislocated Worker Projects under section 171(d) of the Act without regard to the 10 percent limitation contained in section 171(d) of the Act.

For necessary expenses of the Workforce Investment Act, including the purchase and hire of passenger motor vehicles, the construction, alteration, and repair of buildings and other facilities, and the purchase of real property for training centers as authorized by the Workforce Investment Act; $2,720,315,000 plus reimbursements, of which $2,637,120,000 is available for obligation for the period October 1, 2000 through June 30, 2001; and of which $83,195,000 is available for the period October 1, 2000 through June 30, 2003, including $80,195,000 for necessary expenses of construction, rehabilitation, and acquisition of Job Corps centers.

In addition to the amounts appropriated under this heading in Public Law 105–277 to carry out the provisions of section 402 of the Job Training Partnership Act, an additional $1,551,000 is made available for obligation from October 1, 1999 through June 30, 2000.

COMMUNITY SERVICE EMPLOYMENT FOR OLDER AMERICANS

To carry out the activities for national grants or contracts with public agencies and public or private nonprofit organizations under paragraph (1)(A) of section 506(a) of title V of the Older Americans Act of 1965, as amended, or to carry out older worker activities as subsequently authorized, $343,356,000.

To carry out the activities for grants to States under paragraph (3) of section 506(a)

of title V of the Older Americans Act of 1965, as amended, or to carry out older worker activities as subsequently authorized, $96,844,000.

FEDERAL UNEMPLOYMENT BENEFITS AND ALLOWANCES

For payments during the current fiscal year of trade adjustment benefit payments and allowances under part I; and for training, allowances for job search and relocation, and related State administrative expenses under part II, subchapters B and D, chapter 2, title II of the Trade Act of 1974, as amended, $415,150,000, together with such amounts as may be necessary to be charged to the subsequent appropriation for payments for any period subsequent to September 15 of the current year.

STATE UNEMPLOYMENT INSURANCE AND EMPLOYMENT SERVICE OPERATIONS

For authorized administrative expenses, $196,952,000, together with not to exceed $3,161,121,000 (including not to exceed $1,228,000 which may be used for amortization payments to States which had independent retirement plans in their State employment service agencies prior to 1980), which may be expended from the Employment Security Administration account in the Unemployment Trust Fund including the cost of administering section 1201 of the Small Business Job Protection Act of 1996, section 7(d) of the Wagner-Peyser Act, as amended, section 461 of the Job Training Partnership Act, the Trade Act of 1974, as amended, the Immigration Act of 1990, and the Immigration and Nationality Act, as amended, and of which the sums available in the allocation for activities authorized by title III of the Social Security Act, as amended (42 U.S.C. 502–504), and the sums available in the allocation for necessary administrative expenses for carrying out 5 U.S.C. 8501–8523, shall be available for obligation by the States through December 31, 2000, except that funds used for automation acquisitions shall be available for obligation by the States through September 30, 2002; and of which $196,952,000, together with not to exceed $778,283,000 of the amount which may be expended from said trust fund, shall be available for obligation for the period July 1, 2000 through June 30, 2001, to fund activities under the Act of June 6, 1933, as amended, including the cost of penalty mail authorized under 39 U.S.C. 3202(a)(1)(E) made available to States in lieu of allotments for such purpose, and of which $151,333,000 shall be available only to the extent necessary for additional State allocations to administer unemployment compensation laws to finance increases in the number of unemployment insurance claims filed and claims paid or changes in a State law: *Provided,* That to the extent that the Average Weekly Insured Unemployment (AWIU) for fiscal year 2000 is projected by the Department of Labor to exceed 2,638,000, an additional $28,600,000 shall be available for obligation for every 100,000 increase in the AWIU level (including a pro rata amount for any increment less than 100,000) from the Employment Security Administration Account of the Unemployment Trust Fund: *Provided further,* That funds appropriated in this Act which are used to establish a national one-stop career center network may be obligated in contracts, grants or agreements with non-State entities: *Provided further,* That funds appropriated under this Act for activities authorized under the Wagner-Peyser Act, as amended, and title III of the Social Security Act, may be used by the States to fund integrated Employment Service and Unemployment Insurance automation efforts, notwithstanding cost allocation principles prescribed under Office of Management and Budget Circular A–87.

ADVANCES TO THE UNEMPLOYMENT TRUST FUND AND OTHER FUNDS

For repayable advances to the Unemployment Trust Fund as authorized by sections 905(d) and 1203 of the Social Security Act, as amended, and to the Black Lung Disability Trust Fund as authorized by section 9501(c)(1) of the Internal Revenue Code of 1954, as amended; and for nonrepayable advances to the Unemployment Trust Fund as authorized by section 8509 of title 5, United States Code, and to the ''Federal unemployment benefits and allowances'' account, to remain available until September 30, 2001, $356,000,000.

In addition, for making repayable advances to the Black Lung Disability Trust Fund in the current fiscal year after September 15, 2000, for costs incurred by the Black Lung Disability Trust Fund in the current fiscal year, such sums as may be necessary.

PROGRAM ADMINISTRATION

For expenses of administering employment and training programs, $103,208,000, including $6,578,000 to support up to 75 full-time equivalent staff, to administer welfare-to-work grants, together with not to exceed $46,132,000, which may be expended from the Employment Security Administration account in the Unemployment Trust Fund.

PENSION AND WELFARE BENEFITS ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses for the Pension and Welfare Benefits Administration, $99,831,000.

PENSION BENEFIT GUARANTY CORPORATION

PENSION BENEFIT GUARANTY CORPORATION FUND

The Pension Benefit Guaranty Corporation is authorized to make such expenditures, including financial assistance authorized by section 104 of Public Law 96–364, within limits of funds and borrowing authority available to such Corporation, and in accord with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as amended (31 U.S.C. 9104), as may be necessary in carrying out the program through September 30, 2000, for such Corporation: *Provided,* That not to exceed $11,352,000 shall be available for administrative expenses of the Corporation: *Provided further,* That expenses of such Corporation in connection with the termination of pension plans, for the acquisition, protection or management, and investment of trust assets, and for benefits administration services shall be considered as nonadministrative expenses for the purposes hereof, and excluded from the above limitation.

EMPLOYMENT STANDARDS ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses for the Employment Standards Administration, including reimbursement to State, Federal, and local agencies and their employees for inspection services rendered, $341,047,000, together with $1,740,000 which may be expended from the Special Fund in accordance with sections 39(c), 44(d) and 44(j) of the Longshore and Harbor Workers' Compensation Act: *Provided,* That $2,000,000 shall be for the development of an alternative system for the electronic submission of reports as required to be filed under the Labor-Management Reporting and Disclosure Act of 1959, as amended, and for a computer database of the information for each submission by whatever means, that is indexed and easily searchable by the public via the Internet: *Provided further,* That the Secretary of Labor is authorized to accept, retain, and spend, until expended, in the name of the Department of Labor, all sums of money ordered to be paid to the Secretary of Labor, in accordance with the terms of the Consent Judgment in Civil Action No. 91–0027 of the United States District Court for the District of the Northern Mariana Islands (May 21, 1992): *Provided further,* That the Secretary of Labor is authorized to establish and, in accordance with 31 U.S.C. 3302, collect and deposit in the Treasury fees for processing applications and issuing certificates under sections 11(d) and 14 of the Fair Labor Standards Act of 1938, as amended (29 U.S.C. 211(d) and 214) and for processing applications and issuing registrations under title I of the Migrant and Seasonal Agricultural Worker Protection Act (29 U.S.C. 1801 et seq.).

SPECIAL BENEFITS

(INCLUDING TRANSFER OF FUNDS)

For the payment of compensation, benefits, and expenses (except administrative expenses) accruing during the current or any prior fiscal year authorized by title 5, chapter 81 of the United States Code; continuation of benefits as provided for under the head ''Civilian War Benefits'' in the Federal Security Agency Appropriation Act, 1947; the Employees' Compensation Commission Appropriation Act, 1944; sections 4(c) and 5(f) of the War Claims Act of 1948 (50 U.S.C. App. 2012); and 50 percent of the additional compensation and benefits required by section 10(h) of the Longshore and Harbor Workers' Compensation Act, as amended, $79,000,000 together with such amounts as may be necessary to be charged to the subsequent year appropriation for the payment of compensation and other benefits for any period subsequent to August 15 of the current year: *Provided,* That amounts appropriated may be used under section 8104 of title 5, United States Code, by the Secretary of Labor to reimburse an employer, who is not the employer at the time of injury, for portions of the salary of a reemployed, disabled beneficiary: *Provided further,* That balances of reimbursements unobligated on September 30, 1999, shall remain available until expended for the payment of compensation, benefits, and expenses: *Provided further,* That in addition there shall be transferred to this appropriation from the Postal Service and from any other corporation or instrumentality required under section 8147(c) of title 5, United States Code, to pay an amount for its fair share of the cost of administration, such sums as the Secretary determines to be the cost of administration for employees of such fair share entities through September 30, 2000: *Provided further,* That of those funds transferred to this account from the fair share entities to pay the cost of administration, $21,849,000 shall be made available to the Secretary as follows: for the operation of and enhancement to the automated data processing systems, including document imaging and medical bill review, in support of Federal Employees' Compensation Act administration, $13,433,000; for program staff training to operate the new imaging system, $1,300,000; for the periodic roll review program, $7,116,000; and the remaining funds shall be paid into the Treasury as miscellaneous receipts: *Provided further,* That the Secretary may require that any person filing a notice of injury or a claim for benefits under chapter 81 of title 5, United States Code, or 33 U.S.C. 901 et seq., provide as part of such notice and claim, such identifying information (including Social Security account number) as such regulations may prescribe.

BLACK LUNG DISABILITY TRUST FUND

(INCLUDING TRANSFER OF FUNDS)

Beginning in fiscal year 2000 and thereafter, such sums as may be necessary from

the Black Lung Disability Trust Fund, to remain available until expended, for payment of all benefits authorized by section 9501 (d)(1), (2), (4) and (7), of the Internal Revenue Code of 1954, as amended; and interest on advances as authorized by section 9501(c)(2) of that Act. In addition, the following amounts shall be available from the Fund for fiscal year 2000 for expenses of operation and administration of the Black Lung Benefits program as authorized by section 9501 (d)(5) of that Act: $28,676,000 for transfer to the Employment Standards Administration, ''Salaries and Expenses''; $21,144,000 for transfer to Departmental Management, ''Salaries and Expenses''; $318,000 for transfer to Departmental Management, ''Office of Inspector General''; and $356,000 for payments into Miscellaneous Receipts for the expenses of the Department of Treasury.

OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses for the Occupational Safety and Health Administration, $388,142,000, including not to exceed $83,501,000 which shall be the maximum amount available for grants to States under section 23(g) of the Occupational Safety and Health Act, which grants shall be no less than 50 percent of the costs of State occupational safety and health programs required to be incurred under plans approved by the Secretary under section 18 of the Occupational Safety and Health Act of 1970: *Provided*, That of the amount appropriated under this heading that is in excess of the amount appropriated for such purposes for fiscal year 1999, $16,883,000 shall be used to carry out the activities described in paragraph (1) and $16,883,000 shall be used to carry out paragraphs (2) through (6); and, in addition, notwithstanding 31 U.S.C. 3302, the Occupational Safety and Health Administration may retain up to $750,000 per fiscal year of training institute course tuition fees, otherwise authorized by law to be collected, and may utilize such sums for occupational safety and health training and education grants: *Provided further*, That, notwithstanding 31 U.S.C. 3302, the Secretary of Labor is authorized, during the fiscal year ending September 30, 2000, to collect and retain fees for services provided to Nationally Recognized Testing Laboratories, and may utilize such sums, in accordance with the provisions of 29 U.S.C. 9a, to administer national and international laboratory recognition programs that ensure the safety of equipment and products used by workers in the workplace: *Provided further*, That none of the funds appropriated under this paragraph shall be obligated or expended to prescribe, issue, administer, or enforce any standard, rule, regulation, or order under the Occupational Safety and Health Act of 1970 which is applicable to any person who is engaged in a farming operation which does not maintain a temporary labor camp and employs ten or fewer employees: *Provided further*, That no funds appropriated under this paragraph shall be obligated or expended to administer or enforce any standard, rule, regulation, or order under the Occupational Safety and Health Act of 1970 with respect to any employer of ten or fewer employees who is included within a category having an occupational injury lost workday case rate, at the most precise Standard Industrial Classification Code for which such data are published, less than the national average rate as such rates are most recently published by the Secretary, acting through the Bureau of Labor Statistics, in accordance with section 24 of that Act (29 U.S.C. 673), except—

(1) to provide, as authorized by such Act, consultation, technical assistance, educational and training services, and to conduct surveys and studies;

(2) to conduct an inspection or investigation in response to an employee complaint, to issue a citation for violations found during such inspection, and to assess a penalty for violations which are not corrected within a reasonable abatement period and for any willful violations found;

(3) to take any action authorized by such Act with respect to imminent dangers;

(4) to take any action authorized by such Act with respect to health hazards;

(5) to take any action authorized by such Act with respect to a report of an employment accident which is fatal to one or more employees or which results in hospitalization of two or more employees, and to take any action pursuant to such investigation authorized by such Act; and

(6) to take any action authorized by such Act with respect to complaints of discrimination against employees for exercising rights under such Act: *Provided further*, That the foregoing proviso shall not apply to any person who is engaged in a farming operation which does not maintain a temporary labor camp and employs ten or fewer employees.

MINE SAFETY AND HEALTH ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses for the Mine Safety and Health Administration, $230,873,000, including purchase and bestowal of certificates and trophies in connection with mine rescue and first-aid work, and the hire of passenger motor vehicles; including not to exceed $750,000 may be collected by the National Mine Health and Safety Academy for room, board, tuition, and the sale of training materials, otherwise authorized by law to be collected, to be available for mine safety and health education and training activities, notwithstanding 31 U.S.C. 3302; and, in addition, the Mine Safety and Health Administration may retain up to $1,000,000 in fees collected for the approval and certification of equipment, materials, and explosives for use in mines, and may utilize such sums for such activities; the Secretary is authorized to accept lands, buildings, equipment, and other contributions from public and private sources and to prosecute projects in cooperation with other agencies, Federal, State, or private; the Mine Safety and Health Administration is authorized to promote health and safety education and training in the mining community through cooperative programs with States, industry, and safety associations; and any funds available to the Department may be used, with the approval of the Secretary, to provide for the costs of mine rescue and survival operations in the event of a major disaster.

BUREAU OF LABOR STATISTICS

SALARIES AND EXPENSES

For necessary expenses for the Bureau of Labor Statistics, including advances or reimbursements to State, Federal, and local agencies and their employees for services rendered, $353,781,000, of which $6,986,000 shall be for expenses of revising the Consumer Price Index and shall remain available until September 30, 2001, together with not to exceed $55,663,000, which may be expended from the Employment Security Administration account in the Unemployment Trust Fund.

DEPARTMENTAL MANAGEMENT

SALARIES AND EXPENSES

For necessary expenses for Departmental Management, including the hire of three sedans, and including up to $7,250,000 for the President's Committee on Employment of People With Disabilities, and including the management or operation of Departmental bilateral and multilateral foreign technical assistance, $247,001,000; together with not to exceed $310,000, which may be expended from the Employment Security Administration account in the Unemployment Trust Fund: *Provided*, That no funds made available by this Act may be used by the Solicitor of Labor to participate in a review in any United States court of appeals of any decision made by the Benefits Review Board under section 21 of the Longshore and Harbor Workers' Compensation Act (33 U.S.C. 921) where such participation is precluded by the decision of the United States Supreme Court in Director, Office of Workers' Compensation Programs v. Newport News Shipbuilding, 115 S. Ct. 1278 (1995), notwithstanding any provisions to the contrary contained in Rule 15 of the Federal Rules of Appellate Procedure: *Provided further*, That no funds made available by this Act may be used by the Secretary of Labor to review a decision under the Longshore and Harbor Workers' Compensation Act (33 U.S.C. 901 et seq.) that has been appealed and that has been pending before the Benefits Review Board for more than 12 months: *Provided further*, That any such decision pending a review by the Benefits Review Board for more than one year shall be considered affirmed by the Benefits Review Board on the one-year anniversary of the filing of the appeal, and shall be considered the final order of the Board for purposes of obtaining a review in the United States courts of appeals: *Provided further*, That these provisions shall not be applicable to the review or appeal of any decision issued under the Black Lung Benefits Act (30 U.S.C. 901 et seq.): *Provided further*, That notwithstanding any other provision of this Act, up to $10,000 of funding appropriated under title I of this Act for salaries and expenses may be used for receiving and hosting officials of foreign states and official foreign delegations in furtherance of Departmental functions or activities: *Provided further*, That funds made available under this heading shall be used to report to Congress, pursuant to section 9 of the Act entitled ''An Act to create a Department of Labor'' approved March 4, 1913 (29 U.S.C. 560), with options that will promote a legal domestic work force in the agricultural sector, and provide for improved compensation, longer and more consistent work periods, improved benefits, improved living conditions and better housing quality, and transportation assistance between agricultural jobs for agricultural workers, and address other issues related to agricultural labor that the Secretary of Labor determines to be necessary.

ASSISTANT SECRETARY FOR VETERANS EMPLOYMENT AND TRAINING

Not to exceed $185,613,000 may be derived from the Employment Security Administration account in the Unemployment Trust Fund to carry out the provisions of 38 U.S.C. 4100–4110A, 4212, 4214 and 4321–4327, and Public Law 103–353, and which shall be available for obligation by the States through December 31, 2000.

OFFICE OF INSPECTOR GENERAL

For salaries and expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $48,095,000, together with not to exceed $3,830,000, which may be expended from the Employment Security Administration account in the Unemployment Trust Fund.

GENERAL PROVISIONS

SEC. 101. None of the funds appropriated in this title for the Job Corps shall be used to pay the compensation of an individual, either as direct costs or any proration as an indirect cost, at a rate in excess of Executive Level III.

(TRANSFER OF FUNDS)

SEC. 102. Not to exceed 1 percent of any discretionary funds (pursuant to the Balanced

Budget and Emergency Deficit Control Act, as amended) which are appropriated for the current fiscal year for the Department of Labor in this Act may be transferred between appropriations, but no such appropriation shall be increased by more than 3 percent by any such transfer: *Provided*, That the Appropriations Committees of both Houses of Congress are notified at least fifteen days in advance of any transfer.

TITLE II—DEPARTMENT OF HEALTH AND HUMAN SERVICES

HEALTH RESOURCES AND SERVICES ADMINISTRATION

HEALTH RESOURCES AND SERVICES

For carrying out titles II, III, VII, VIII, X, XII, XIX, and XXVI of the Public Health Service Act, section 427(a) of the Federal Coal Mine Health and Safety Act, title V and section 1820 of the Social Security Act, the Health Care Quality Improvement Act of 1986, as amended, the Native Hawaiian Health Care Act of 1988, as amended, and the Ricky Ray Hemophilia Relief Fund Act of 1998, $4,365,498,000, of which $150,000 shall remain available until expended for interest subsidies on loan guarantees made prior to fiscal year 1981 under part B of title VII of the Public Health Service Act, and of which $10,000,000 shall be available for the construction and renovation of health care and other facilities, and of which $25,000,000 from general revenues, notwithstanding section 1820(j) of the Social Security Act, shall be available for carrying out the Medicare rural hospital flexibility grants program under section 1820 of such Act: *Provided*, That the Division of Federal Occupational Health may utilize personal services contracting to employ professional management/administrative and occupational health professionals: *Provided further*, That of the funds made available under this heading, $250,000 shall be available until expended for facilities renovations at the Gillis W. Long Hansen's Disease Center: *Provided further*, That in addition to fees authorized by section 427(b) of the Health Care Quality Improvement Act of 1986, fees shall be collected for the full disclosure of information under the Act sufficient to recover the full costs of operating the National Practitioner Data Bank, and shall remain available until expended to carry out that Act: *Provided further*, That no more than $5,000,000 is available for carrying out the provisions of Public Law 104–73: *Provided further*, That of the funds made available under this heading, $222,432,000 shall be for the program under title X of the Public Health Service Act to provide for voluntary family planning projects: *Provided further*, That amounts provided to said projects under such title shall not be expended for abortions, that all pregnancy counseling shall be nondirective, and that such amounts shall not be expended for any activity (including the publication or distribution of literature) that in any way tends to promote public support or opposition to any legislative proposal or candidate for public office: *Provided further*, That $536,000,000 shall be for State AIDS Drug Assistance Programs authorized by section 2616 of the Public Health Service Act: *Provided further*, That notwithstanding any other provision of law, funds made available under this heading may be used to continue operating the Council on Graduate Medical Education established by section 301 of Public Law 102–408: *Provided further*, That of the funds made available under this heading, $50,000,000 shall remain available for the Ricky Ray Hemophilia Relief Fund until November 11, 2003: *Provided further*, That fees collected for the full disclosure of information under the ''Health Care Fraud and Abuse Data Collection Program,'' authorized by section 221 of the Health Insurance Portability and Accountability Act of 1996, shall be sufficient to recover the full costs of operating the Program, and shall remain available to carry out that Act until expended.

MEDICAL FACILITIES GUARANTEE AND LOAN FUND

FEDERAL INTEREST SUBSIDIES FOR MEDICAL FACILITIES

For carrying out subsections (d) and (e) of section 1602 of the Public Health Service Act, $1,000,000, together with any amounts received by the Secretary in connection with loans and loan guarantees under title VI of the Public Health Service Act, to be available without fiscal year limitation for the payment of interest subsidies. During the fiscal year, no commitments for direct loans or loan guarantees shall be made.

HEALTH EDUCATION ASSISTANCE LOANS PROGRAM ACCOUNT

Such sums as may be necessary to carry out the purpose of the program, as authorized by Title VII of the Public Health Service Act, as amended. For administrative expenses to carry out the guaranteed loan program, including section 709 of the Public Health Service Act, $3,688,000.

VACCINE INJURY COMPENSATION PROGRAM TRUST FUND

For payments from the Vaccine Injury Compensation Program Trust Fund, such sums as may be necessary for claims associated with vaccine-related injury or death with respect to vaccines administered after September 30, 1988, pursuant to subtitle 2 of title XXI of the Public Health Service Act, to remain available until expended: *Provided*, That for necessary administrative expenses, not to exceed $3,000,000 shall be available from the Trust Fund to the Secretary of Health and Human Services.

CENTERS FOR DISEASE CONTROL AND PREVENTION

DISEASE CONTROL, RESEARCH, AND TRAINING

To carry out titles II, III, VII, XI, XV, XVII, XIX and XXVI of the Public Health Service Act, sections 101, 102, 103, 201, 202, 203, 301, and 501 of the Federal Mine Safety and Health Act of 1977, sections 20, 21 and 22 of the Occupational Safety and Health Act of 1970, title IV of the Immigration and Nationality Act and section 501 of the Refugee Education Assistance Act of 1980; including insurance of official motor vehicles in foreign countries; and hire, maintenance, and operation of aircraft, $2,751,838,000 of which $39,800,000 shall remain available until expended for equipment and construction and renovation of facilities, and in addition, such sums as may be derived from authorized user fees, which shall be credited to this account: *Provided*, That in addition to amounts provided herein, up to $109,573,000 shall be available from amounts available under section 241 of the Public Health Service Act, to carry out the National Center for Health Statistics surveys: *Provided further*, That none of the funds made available for injury prevention and control at the Centers for Disease Control and Prevention may be used to advocate or promote gun control: *Provided further*, That the Director may redirect the total amount made available under authority of Public Law 101–502, section 3, dated November 3, 1990, to activities the Director may so designate: *Provided further*, That the Congress is to be notified promptly of any such transfer.

In addition, $51,000,000, to be derived from the Violent Crime Reduction Trust Fund, for carrying out sections 40151 and 40261 of Public Law 103–322.

NATIONAL INSTITUTES OF HEALTH

NATIONAL CANCER INSTITUTE

For carrying out section 301 and title IV of the Public Health Service Act with respect to cancer, $3,286,859,000.

NATIONAL HEART, LUNG, AND BLOOD INSTITUTE

For carrying out section 301 and title IV of the Public Health Service Act with respect to cardiovascular, lung, and blood diseases, and blood and blood products, $2,001,185,000.

NATIONAL INSTITUTE OF DENTAL AND CRANIOFACIAL RESEARCH

For carrying out section 301 and title IV of the Public Health Service Act with respect to dental disease, $267,543,000.

NATIONAL INSTITUTE OF DIABETES AND DIGESTIVE AND KIDNEY DISEASES

For carrying out section 301 and title IV of the Public Health Service Act with respect to diabetes and digestive and kidney disease, $1,130,056,000.

NATIONAL INSTITUTE OF NEUROLOGICAL DISORDERS AND STROKE

For carrying out section 301 and title IV of the Public Health Service Act with respect to neurological disorders and stroke, $1,019,271,000.

NATIONAL INSTITUTE OF ALLERGY AND INFECTIOUS DISEASES

For carrying out section 301 and title IV of the Public Health Service Act with respect to allergy and infectious diseases, $1,786,718,000.

NATIONAL INSTITUTE OF GENERAL MEDICAL SCIENCES

For carrying out section 301 and title IV of the Public Health Service Act with respect to general medical sciences, $1,352,843,000.

NATIONAL INSTITUTE OF CHILD HEALTH AND HUMAN DEVELOPMENT

For carrying out section 301 and title IV of the Public Health Service Act with respect to child health and human development, $848,044,000.

NATIONAL EYE INSTITUTE

For carrying out section 301 and title IV of the Public Health Service Act with respect to eye diseases and visual disorders, $445,172,000.

NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH SCIENCES

For carrying out sections 301 and 311 and title IV of the Public Health Service Act with respect to environmental health sciences, $436,113,000.

NATIONAL INSTITUTE ON AGING

For carrying out section 301 and title IV of the Public Health Service Act with respect to aging, $680,332,000.

NATIONAL INSTITUTE OF ARTHRITIS AND MUSCULOSKELETAL AND SKIN DISEASES

For carrying out section 301 and title IV of the Public Health Service Act with respect to arthritis and musculoskeletal and skin diseases, $350,429,000.

NATIONAL INSTITUTE ON DEAFNESS AND OTHER COMMUNICATION DISORDERS

For carrying out section 301 and title IV of the Public Health Service Act with respect to deafness and other communication disorders, $261,962,000.

NATIONAL INSTITUTE OF NURSING RESEARCH

For carrying out section 301 and title IV of the Public Health Service Act with respect to nursing research, $90,000,000.

NATIONAL INSTITUTE ON ALCOHOL ABUSE AND ALCOHOLISM

For carrying out section 301 and title IV of the Public Health Service Act with respect to alcohol abuse and alcoholism, $291,247,000.

NATIONAL INSTITUTE ON DRUG ABUSE

For carrying out section 301 and title IV of the Public Health Service Act with respect to drug abuse, $682,536,000.

NATIONAL INSTITUTE OF MENTAL HEALTH

For carrying out section 301 and title IV of the Public Health Service Act with respect to mental health, $969,494,000.

NATIONAL HUMAN GENOME RESEARCH INSTITUTE

For carrying out section 301 and title IV of the Public Health Service Act with respect to human genome research, $337,322,000.

NATIONAL CENTER FOR RESEARCH RESOURCES

For carrying out section 301 and title IV of the Public Health Service Act with respect to research resources and general research support grants, $655,988,000: *Provided*, That none of these funds shall be used to pay recipients of the general research support grants program any amount for indirect expenses in connection with such grants: *Provided further*, That $60,000,000 shall be for extramural facilities construction grants, of which $30,000,000 shall become available October 1, 2000, and remain available through September 30, 2001.

NATIONAL CENTER FOR COMPLEMENTARY AND ALTERNATIVE MEDICINE

For carrying out section 301 and title IV of the Public Health Service Act with respect to complementary and alternative medicine, $56,214,000 to be available for obligation through September 30, 2001.

JOHN E. FOGARTY INTERNATIONAL CENTER

For carrying out the activities at the John E. Fogarty International Center, $43,723,000.

NATIONAL LIBRARY OF MEDICINE

For carrying out section 301 and title IV of the Public Health Service Act with respect to health information communications, $210,183,000, of which $4,000,000 shall be available until expended for improvement of information systems: *Provided*, That in fiscal year 2000, the Library may enter into personal services contracts for the provision of services in facilities owned, operated, or constructed under the jurisdiction of the National Institutes of Health.

OFFICE OF THE DIRECTOR

(INCLUDING TRANSFER OF FUNDS)

For carrying out the responsibilities of the Office of the Director, National Institutes of Health, $299,504,000: *Provided*, That funding shall be available for the purchase of not to exceed twenty-nine passenger motor vehicles for replacement only: *Provided further*, That the Director may direct up to 1 percent of the total amount made available in this or any other Act to all National Institutes of Health appropriations to activities the Director may so designate: *Provided further*, That no such appropriation shall be decreased by more than 1 percent by any such transfers and that the Congress is promptly notified of the transfer: *Provided further*, That NIH is authorized to collect third party payments for the cost of clinical services that are incurred in National Institutes of Health research facilities and that such payments shall be credited to the National Institutes of Health Management Fund: *Provided further*, That all funds credited to the NIH Management Fund shall remain available for one fiscal year after the fiscal year in which they are deposited.

BUILDINGS AND FACILITIES

For the study of, construction of, and acquisition of equipment for, facilities of or used by the National Institutes of Health, including the acquisition of real property, $100,732,000, to remain available until expended.

SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES ADMINISTRATION

SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES

For carrying out titles V and XIX of the Public Health Service Act with respect to substance abuse and mental health services, the Protection and Advocacy for Mentally Ill Individuals Act of 1986, and section 301 of the Public Health Service Act with respect to program management, $2,799,516,000, of which $358,816,000 shall be made available to carry out the mental health services block grant under subpart I of part B of title XIX of the Public Health Service Act ($48,816,000 of which shall become available on October 1, 2000 and remain available through September 30, 2001), and of which $100,000,000 shall become available on October 1, 2000 and remain available until September 30, 2001.

RETIREMENT PAY AND MEDICAL BENEFITS FOR COMMISSIONED OFFICERS

For retirement pay and medical benefits of Public Health Service Commissioned Officers as authorized by law, for payments under the Retired Serviceman's Family Protection Plan and Survivor Benefit Plan, for medical care of dependents and retired personnel under the Dependents' Medical Care Act (10 U.S.C. ch. 55), and for payments pursuant to section 229(b) of the Social Security Act (42 U.S.C. 429(b)), such amounts as may be required during the current fiscal year.

AGENCY FOR HEALTH CARE POLICY AND RESEARCH

HEALTH CARE POLICY AND RESEARCH

For carrying out titles III and IX of the Public Health Service Act, and part A of title XI of the Social Security Act, $19,504,000; in addition, amounts received from Freedom of Information Act fees, reimbursable and interagency agreements, and the sale of data tapes shall be credited to this appropriation and shall remain available until expended: *Provided*, That the amount made available pursuant to section 926(b) of the Public Health Service Act shall not exceed $191,751,000.

HEALTH CARE FINANCING ADMINISTRATION

GRANTS TO STATES FOR MEDICAID

For carrying out, except as otherwise provided, titles XI and XIX of the Social Security Act, $86,087,393,000, to remain available until expended: *Provided*, That beginning in fiscal year 2000 and thereafter, for expenses incurred by Medicaid under title XXI of the Social Security Act, Medicaid may accept as reimbursement in advance amounts from the ''State Children's Health Insurance Fund,'' such amounts to remain available as provided under title XXI.

For making, after May 31, 2000, payments to States under title XIX of the Social Security Act for the last quarter of fiscal year 2000 for unanticipated costs, incurred for the current fiscal year, such sums as may be necessary.

For making payments to States or in the case of section 1928 on behalf of States, under title XIX of the Social Security Act for the first quarter of fiscal year 2001, $30,589,003,000, to remain available until expended.

Payment under title XIX may be made for any quarter with respect to a State plan or plan amendment in effect during such quarter, if submitted in or prior to such quarter and approved in that or any subsequent quarter.

PAYMENTS TO HEALTH CARE TRUST FUNDS

For payment to the Federal Hospital Insurance and the Federal Supplementary Medical Insurance Trust Funds, as provided under sections 217(g) and 1844 of the Social Security Act, sections 103(c) and 111(d) of the Social Security Amendments of 1965, section 278(d) of Public Law 97–248, and for administrative expenses incurred pursuant to section 201(g) of the Social Security Act, $69,289,100,000.

PROGRAM MANAGEMENT

For carrying out, except as otherwise provided, titles XI, XVIII, XIX and XXI of the Social Security Act, titles XIII and XXVII of the Public Health Service Act, and the Clinical Laboratory Improvement Amendments of 1988, not to exceed $1,991,321,000, to be transferred from the Federal Hospital Insurance and the Federal Supplementary Medical Insurance Trust Funds, as authorized by section 201(g) of the Social Security Act; together with all funds collected in accordance with section 353 of the Public Health Service Act and such sums as may be collected from authorized user fees and the sale of data, which shall remain available until expended, and together with administrative fees collected relative to Medicare overpayment recovery activities, which shall be transferred to the Health Care Fraud and Abuse Control (HCFAC) account and remain available until expended: *Provided*, That all funds derived in accordance with 31 U.S.C. 9701 from organizations established under title XIII of the Public Health Service Act shall be credited to and available for carrying out the purposes of this appropriation: *Provided further*, That $18,000,000 appropriated under this heading for the managed care system redesign shall remain available until expended: *Provided further*, That funds appropriated under this heading may be obligated to increase Medicare provider audits and implement the Department's corrective action plan to the Chief Financial Officer's audit of the Health Care Financing Administration's oversight of Medicare: *Provided further*, That the Secretary of Health and Human Services is directed to collect, in aggregate, $95,000,000 in fees in fiscal year 2000 from Medicare+Choice organizations pursuant to section 1857(e)(2) of the Social Security Act and from eligible organizations with risk-sharing contracts under section 1876 of that Act pursuant to section 1876(k)(4)(D) of that Act.

HEALTH MAINTENANCE ORGANIZATION LOAN AND LOAN GUARANTEE FUND

For carrying out subsections (d) and (e) of section 1308 of the Public Health Service Act, any amounts received by the Secretary in connection with loans and loan guarantees under title XIII of the Public Health Service Act, to be available without fiscal year limitation for the payment of outstanding obligations. During fiscal year 1999, no commitments for direct loans or loan guarantees shall be made.

ADMINISTRATION FOR CHILDREN AND FAMILIES

PAYMENTS TO STATES FOR CHILD SUPPORT ENFORCEMENT AND FAMILY SUPPORT PROGRAMS

For making payments to States or other non-Federal entities under titles I, IV–D, X, XI, XIV, and XVI of the Social Security Act and the Act of July 5, 1960 (24 U.S.C. ch. 9), for the first quarter of fiscal year 2001, $650,000,000, to remain available until expended.

For making payments to each State for carrying out the program of Aid to Families with Dependent Children under title IV–A of the Social Security Act before the effective date of the program of Temporary Assistance to Needy Families (TANF) with respect to such State, such sums as may be necessary: *Provided*, That the sum of the amounts available to a State with respect to expenditures under such title IV–A in fiscal year 1997 under this appropriation and under such title IV–A as amended by the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 shall not exceed the limitations under section 116(b) of such Act.

For making, after May 31 of the current fiscal year, payments to States or other non-Federal entities under titles I, IV–D, X, XI, XIV, and XVI of the Social Security Act and the Act of July 5, 1960 (24 U.S.C. ch. 9), for the last three months of the current year for unanticipated costs, incurred for the current fiscal year, such sums as may be necessary.

LOW INCOME HOME ENERGY ASSISTANCE

For making payments under title XXVI of the Omnibus Reconciliation Act of 1981, $1,100,000,000, to be available for obligation in the period October 1, 2000 through September 30, 2001.

For making payments under title XXVI of such Act, $300,000,000: *Provided,* That these funds are hereby designated by the Congress to be emergency requirements pursuant to section 251(b)(2)(D) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further,* That these funds shall be made available only after submission to the Congress of a formal budget request by the President 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.

REFUGEE AND ENTRANT ASSISTANCE

For making payments for refugee and entrant assistance activities authorized by title IV of the Immigration and Nationality Act and section 501 of the Refugee Education Assistance Act of 1980 (Public Law 96–422), $423,000,000, to remain available through September 30, 2002: *Provided,* That funds appropriated pursuant to section 414(a) of the Immigration and Nationality Act under Public 105–78 for fiscal year 1998 and under Public Law 105–277 for fiscal year 1999 shall be available for the costs of assistance provided and other activities through September 30, 2001.

For carrying out section 5 of the Torture Victims Relief Act of 1998 (Public Law 105–320), $7,500,000, to remain available until expended.

PAYMENTS TO STATES FOR THE CHILD CARE AND DEVELOPMENT BLOCK GRANT

For carrying out sections 658A through 658R of the Omnibus Budget Reconciliation Act of 1981 (The Child Care and Development Block Grant Act of 1990), to become available on October 1, 2000 and remain available through September 30, 2001, $2,000,000,000: *Provided,* That $19,120,000 shall be available for child care resource and referral and school-aged child care activities.

SOCIAL SERVICES BLOCK GRANT

For making grants to States pursuant to section 2002 of the Social Security Act, $1,050,000,000: *Provided,* That (1) notwithstanding section 2003(c) of such Act, as amended, the amount specified for allocation under such section for fiscal year 2000 shall be $1,050,000,000 and (2) notwithstanding subparagraph (B) of section 404(d)(2) of such Act, the applicable percent specified under such subparagraph for a State to carry out State programs pursuant to title XX of such Act for fiscal year 2000 shall be 5 percent.

CHILDREN AND FAMILIES SERVICES PROGRAMS

For carrying out, except as otherwise provided, the Runaway and Homeless Youth Act, the Developmental Disabilities Assistance and Bill of Rights Act, the Head Start Act, the Child Abuse Prevention and Treatment Act, the Native American Programs Act of 1974, title II of Public Law 95–266 (adoption opportunities), the Adoption and Safe Families Act of 1997 (Public Law 105–89), the Abandoned Infants Assistance Act of 1988, part B(1) of title IV and sections 413, 429A, 1110, and 1115 of the Social Security Act; for making payments under the Community Services Block Grant Act, section 473A of the Social Security Act, and title IV of Public Law 105–285; and for necessary administrative expenses to carry out said Acts and titles I, IV, X, XI, XIV, XVI, and XX of the Social Security Act, the Act of July 5, 1960 (24 U.S.C. ch. 9), the Omnibus Budget Reconciliation Act of 1981, title IV of the Immigration and Nationality Act, section 501 of the Refugee Education Assistance Act of 1980, section 5 of the Torture Victims Relief Act of 1998 (Public Law 105–320), sections 40155, 40211 and 40241 of Public Law 103–322 and section 126 and titles IV and V of Public Law 100–485, $6,684,635,000, of which $20,000,000, to remain available until September 30, 2001, shall be for grants to States for adoption incentive payments, as authorized by section 473A of title IV of the Social Security Act (42 U.S.C. 670–679); of which $500,000,000 shall be for making payments under the Community Services Block Grant Act; and of which $5,267,000,000 shall be for making payments under the Head Start Act, of which $1,900,000,000 shall become available October 1, 2000 and remain available through September 30, 2001: *Provided,* That to the extent Community Services Block Grant funds are distributed as grant funds by a State to an eligible entity as provided under the Act, and have not been expended by such entity, they shall remain with such entity for carryover into the next fiscal year for expenditure by such entity consistent with program purposes.

In addition, $105,000,000, to be derived from the Violent Crime Reduction Trust Fund for carrying out sections 40155, 40211 and 40241 of Public Law 103–322.

PROMOTING SAFE AND STABLE FAMILIES

For carrying out section 430 of the Social Security Act, $295,000,000.

PAYMENTS TO STATES FOR FOSTER CARE AND ADOPTION ASSISTANCE

For making payments to States or other non-Federal entities under title IV–E of the Social Security Act, $4,312,300,000.

For making payments to States or other non-Federal entities under title IV–E of the Social Security Act, for the first quarter of fiscal year 2001, $1,538,000,000.

ADMINISTRATION ON AGING

AGING SERVICES PROGRAMS

For carrying out, to the extent not otherwise provided, the Older Americans Act of 1965, as amended, and section 398 of the Public Health Service Act, $942,355,000: *Provided,* That notwithstanding section 308(b)(1) of the Older Americans Act of 1965, as amended, the amounts available to each State for administration of the State plan under title III of such Act shall be reduced not more than 5 percent below the amount that was available to such State for such purpose for fiscal year 1995: *Provided further,* That in considering grant applications for nutrition services for elder Indian recipients, the Assistant Secretary shall provide maximum flexibility to applicants who seek to take into account subsistence, local customs, and other characteristics that are appropriate to the unique cultural, regional, and geographic needs of the American Indian, Alaska and Hawaiian Native communities to be served.

OFFICE OF THE SECRETARY

GENERAL DEPARTMENTAL MANAGEMENT

For necessary expenses, not otherwise provided, for general departmental management, including hire of six sedans, and for carrying out titles III, XVII, and XX of the Public Health Service Act, and the United States-Mexico Border Health Commission Act, $182,903,000, together with $6,517,000, to be transferred and expended as authorized by section 201(g)(1) of the Social Security Act from the Hospital Insurance Trust Fund and the Supplemental Medical Insurance Trust Fund: *Provided,* That of the funds made available under this heading for carrying out title XX of the Public Health Service Act, $10,569,000 shall be for activities specified under section 2003(b)(2), of which $9,131,000 shall be for prevention service demonstration grants under section 510(b)(2) of title V of the Social Security Act, as amended, without application of the limitation of section 2010(c) of said title XX: *Provided further,* That $4,000,000 shall be available to the Office of the Surgeon General, within the Office of Public Health and Science, to prepare and disseminate the findings of the Surgeon General's report on youth violence, and to coordinate with other agencies throughout the Federal government, through the establishment of a Federal Coordinating Committee, activities to prevent youth violence: *Provided further,* That sufficient funds shall be available from the Office on Women's Health to support biological, chemical and botanical studies to assist in the development of the clinical evaluation of phytomedicines in women's health.

OFFICE OF INSPECTOR GENERAL

For expenses necessary for the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $35,000,000.

OFFICE FOR CIVIL RIGHTS

For expenses necessary for the Office for Civil Rights, $18,845,000, together with not to exceed $3,314,000, to be transferred and expended as authorized by section 201(g)(1) of the Social Security Act from the Hospital Insurance Trust Fund and the Supplemental Medical Insurance Trust Fund.

POLICY RESEARCH

For carrying out, to the extent not otherwise provided, research studies under section 1110 of the Social Security Act, $15,000,000.

PUBLIC HEALTH AND SOCIAL SERVICES FUND

For expenses necessary to support activities related to countering potential biological, disease and chemical threats to civilian populations, $175,000,000: *Provided,* That this amount is distributed as follows: Centers for Disease Control and Prevention, $120,000,000, of which $30,000,000 shall be for the Health Alert Network; Office of the Secretary, $30,000,000, and Office of Emergency Preparedness, $25,000,000. In addition, for expenses necessary for the Global Health Initiative: $75,000,000: *Provided,* That this amount is distributed as follows: Centers for Disease Control and Prevention, $49,000,000, of which $35,000,000 shall be for international HIV/AIDS programs, $9,000,000 shall be for malaria programs, and $5,000,000 shall be for global micronutrient malnutrition programs; National Institutes of Health, $26,000,000, of which $15,000,000 shall be for international HIV/AIDS programs, $6,000,000 shall be for malaria programs, and $5,000,000 shall be for global micronutrient malnutrition programs. In addition, $150,000,000 for carrying out the Department's Year 2000 computer conversion activities, $35,000,000 for minority AIDS prevention and treatment activities, $20,000,000 for buildings and facilities at the Centers for Disease Control and Prevention, and $20,000,000 for the National Institutes of Health challenge grant program.

GENERAL PROVISIONS

SEC. 201. Funds appropriated in this title shall be available for not to exceed $37,000 for official reception and representation expenses when specifically approved by the Secretary.

SEC. 202. The Secretary shall make available through assignment not more than 60 employees of the Public Health Service to

assist in child survival activities and to work in AIDS programs through and with funds provided by the Agency for International Development, the United Nations International Children's Emergency Fund or the World Health Organization.

SEC. 203. None of the funds appropriated under this Act may be used to implement section 399L(b) of the Public Health Service Act or section 1503 of the National Institutes of Health Revitalization Act of 1993, Public Law 103–43.

SEC. 204. None of the funds appropriated in this Act for the National Institutes of Health and the Substance Abuse and Mental Health Services Administration shall be used to pay the salary of an individual, through a grant or other extramural mechanism, at a rate in excess of Executive Level III.

SEC. 205. None of the funds appropriated in this Act may be expended pursuant to section 241 of the Public Health Service Act, except for funds specifically provided for in this Act, or for other taps and assessments made by any office located in the Department of Health and Human Services, prior to the Secretary's preparation and submission of a report to the Committee on Appropriations of the Senate and of the House detailing the planned uses of such funds.

(TRANSFER OF FUNDS)

SEC. 206. Not to exceed 1 percent of any discretionary funds (pursuant to the Balanced Budget and Emergency Deficit Control Act, as amended) which are appropriated for the current fiscal year for the Department of Health and Human Services in this Act may be transferred between appropriations, but no such appropriation (except the Public Health and Social Services Emergency Fund) shall be increased by more than 3 percent by any such transfer: *Provided*, That the Appropriations Committees of both Houses of Congress are notified at least fifteen days in advance of any transfer.

SEC. 207. The Director of the National Institutes of Health, jointly with the Director of the Office of AIDS Research, may transfer up to 3 percent among institutes, centers, and divisions from the total amounts identified by these two Directors as funding for research pertaining to the human immunodeficiency virus: *Provided*, That the Congress is promptly notified of the transfer.

SEC. 208. Of the amounts made available in this Act for the National Institutes of Health, the amount for research related to the human immunodeficiency virus, as jointly determined by the Director of NIH and the Director of the Office of AIDS Research, shall be made available to the ''Office of AIDS Research'' account. The Director of the Office of AIDS Research shall transfer from such account amounts necessary to carry out section 2353(d)(3) of the Public Health Service Act.

SEC. 209. None of the funds appropriated in this Act may be made available to any entity under title X of the Public Health Service Act unless the applicant for the award certifies to the Secretary that it encourages family participation in the decision of minors to seek family planning services and that it provides counseling to minors on how to resist attempts to coerce minors into engaging in sexual activities.

SEC. 210. None of the funds appropriated by this Act (including funds appropriated to any trust fund) may be used to carry out the Medicare+Choice program if the Secretary denies participation in such program to an otherwise eligible entity (including a Provider Sponsored Organization) because the entity informs the Secretary that it will not provide, pay for, provide coverage of, or provide referrals for abortions: *Provided*, That the Secretary shall make appropriate prospective adjustments to the capitation payment to such an entity (based on an actuarially sound estimate of the expected costs of providing the service to such entity's enrollees): *Provided further*, That nothing in this section shall be construed to change the Medicare program's coverage for such services and a Medicare+Choice organization described in this section shall be responsible for informing enrollees where to obtain information about all Medicare covered services.

SEC. 211. (a) MENTAL HEALTH.—Section 1918(b) of the Public Health Service Act (42 U.S.C. 300x–7(b)) is amended to read as follows:

''(b) MINIMUM ALLOTMENTS FOR STATES.—

''(1) IN GENERAL.—With respect to fiscal year 2000, the amount of the allotment of a State under section 1911 shall not be less than the amount the State received under section 1911 for fiscal year 1998.''.

(b) SUBSTANCE ABUSE.—Section 1933(b) of the Public Health Service Act (42 U.S.C. 300x–33(b)) is amended to read as follows:

''(b) MINIMUM ALLOTMENTS FOR STATES.—

''(1) IN GENERAL.—With respect to fiscal year 2000, the amount of the allotment of a State under section 1921 shall not be less than the amount the State received under section 1921 for fiscal year 1999 increased by 30.65 percent of the percentage by which the amount allotted to the States for fiscal year 2000 exceeds the amount allotted to the States for fiscal year 1999.

''(2) LIMITATION.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), a State shall not receive an allotment under section 1921 for fiscal year 2000 in an amount that is less than an amount equal to 0.375 percent of the amount appropriated under section 1935(a) for such fiscal year.

''(B) EXCEPTION.—In applying subparagraph (A), the Secretary shall ensure that no State receives an increase in its allotment under section 1921 for fiscal year 2000 (as compared to the amount allotted to the State in the fiscal year 1999) that is in excess of an amount equal to 300 percent of the percentage by which the amount appropriated under section 1935(a) for fiscal year 2000 exceeds the amount appropriated for fiscal year 1999.''.

SEC. 212. Notwithstanding any other provision of law, no provider of services under title X of the Public Health Service Act shall be exempt from any State law requiring notification or the reporting of child abuse, child molestation, sexual abuse, rape, or incest.

SEC. 213. EXTENSION OF CERTAIN ADJUDICATION PROVISIONS.—The Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1990 (Public Law 101–167) is amended—

(1) in section 599D (8 U.S.C. 1157 note)—

(A) in subsection (b)(3), by striking ''1997, 1998, and 1999'' and inserting ''1997, 1998, 1999, and 2000''; and

(B) in subsection (e), by striking ''October 1, 1999'' each place it appears and inserting ''October 1, 2000''; and

(2) in section 599E (8 U.S.C. 1255 note) in subsection (b)(2), by striking ''September 30, 1999'' and inserting ''September 30, 2000''.

SEC. 214. None of the funds provided in this Act or in any other Act making appropriations for fiscal year 2000 may be used to administer or implement in Arizona or in the Kansas City, Missouri or in the Kansas City, Kansas area the Medicare Competitive Pricing Demonstration Project (operated by the Secretary of Health and Human Services under authority granted in section 4011 of the Balanced Budget Act of 1997 (Public Law 105–33)).

SEC. 215. Of the funds appropriated for the National Institutes of Health for fiscal year 2000, $3,000,000,000 shall not be available for obligation until September 29, 2000.

SEC. 216. SOCIAL SERVICES BLOCK GRANT. Notwithstanding any other provision of this title, the amount appropriated under this title for making grants pursuant to section 2002 of the Social Security Act (42 U.S.C. 1397a) shall be increased to $2,380,000,000: *Provided*, That (1) $1,330,000,000 of which shall become available on October 1, 2000, and (2) notwithstanding any other provision of this title, the amount specified for allocation under section 2003(c) of such Act for fiscal year 2001 shall be $3,030,000,000.

SEC. 217. EXPRESSING THE SENSE OF THE SENATE TO RAISE THE AWARENESS OF THE DEVASTATING IMPACT OF DIABETES AND TO SUPPORT INCREASED FUNDS FOR DIABETES RESEARCH. (a) FINDINGS.—Congress makes the following findings:

(1) Diabetes is a devastating, lifelong condition that affects people of every age, race, income level, and nationality.

(2) Sixteen million Americans suffer from diabetes, and millions more are at risk of developing the disease.

(3) The number of Americans with diabetes has increased nearly 700 percent in the last 40 years, leading the Centers for Disease Control and Prevention to call it the ''epidemic of our time''.

(4) In 1999, approximately 800,000 people will be diagnosed with diabetes, and diabetes will contribute to almost 200,000 deaths, making diabetes the sixth leading cause of death due to disease in the United States.

(5) Diabetes costs our nation an estimated $105,000,000,000 each year.

(6) More than 1 out of every 10 United States health care dollars, and about 1 out of every 4 Medicare dollars, is spent on the care of people with diabetes.

(7) More than $40,000,000,000 a year in tax dollars are spent treating people with diabetes through Medicare, Medicaid, veterans benefits, Federal employee health benefits, and other Federal health programs.

(8) Diabetes frequently goes undiagnosed, and an estimated 5,400,000 Americans have the disease but do not know it.

(9) Diabetes is the leading cause of kidney failure, blindness in adults, and amputations.

(10) Diabetes is a major risk factor for heart disease, stroke, and birth defects, and shortens average life expectancy by up to 15 years.

(11) An estimated 1,000,000 Americans have Type 1 diabetes, formerly known as juvenile diabetes, and 15,200,000 Americans have Type 2 diabetes, formerly known as adult-onset diabetes.

(12) Of Americans aged 65 years or older, 18.4 percent have diabetes.

(13) Of Americans aged 20 years or older, 8.2 percent have diabetes.

(14) Hispanic, African, Asian, and Native Americans suffer from diabetes at rates much higher than the general population, including children as young as 8 years-old, who are now being diagnosed with Type 2 diabetes, formerly known as adult-onset diabetes.

(15) In 1999, there is no method to prevent or cure diabetes, and available treatments have only limited success in controlling diabetes devastating consequences.

(16) Reducing the tremendous health and human burdens of diabetes and its enormous economic toll depend on identifying the factors responsible for the disease and developing new methods for treatment and prevention.

(17) Improvements in technology and the general growth in scientific knowledge have created unprecedented opportunities for advances that might lead to better treatments, prevention, and ultimately a cure.

(18) After extensive review and deliberations, the congressionally established and National Institutes of Health-selected Diabetes Research Working Group has found that ''many scientific opportunities are not being pursued due to insufficient funding, lack of appropriate mechanisms, and a shortage of trained researchers''.

(19) The Diabetes Research Working Group has developed a comprehensive plan for National Institutes of Health-funded diabetes research, and has recommended a funding level of $827,000,000 for diabetes research at the National Institutes of Health in fiscal year 2000.

(20) The Senate as an institution, and Members of Congress as individuals, are in unique positions to support the fight against diabetes and to raise awareness about the need for increased funding for research and for early diagnosis and treatment.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) the Federal Government has a responsibility to—

(A) endeavor to raise awareness about the importance of the early detection, and proper treatment of, diabetes; and

(B) continue to consider ways to improve access to, and the quality of, health care services for screening and treating diabetes;

(2) the National Institutes of Health, within their existing funding levels, should increase research funding, as recommended by the congressionally established and National Institutes of Health-selected Diabetes Research Working Group, so that the causes of, and improved treatments and cure for, diabetes may be discovered;

(3) all Americans should take an active role to fight diabetes by using all the means available to them, including watching for the symptoms of diabetes, which include frequent urination, unusual thirst, extreme hunger, unusual weight loss, extreme fatigue, and irritability; and

(4) national organizations, community organizations, and health care providers should endeavor to promote awareness of diabetes and its complications, and should encourage early detection of diabetes through regular screenings, education, and by providing information, support, and access to services.

SEC. 218. STUDY AND REPORT ON THE GEOGRAPHIC ADJUSTMENT FACTORS UNDER THE MEDICARE PROGRAM. (a) STUDY.—The Secretary of Health and Human Services shall conduct a study on—

(1) the reasons why, and the appropriateness of the fact that, the geographic adjustment factor (determined under paragraph (2) of section 1848(e) (42 U.S.C. 1395w–4(e)) used in determining the amount of payment for physicians' services under the medicare program is less for physicians' services provided in New Mexico than for physicians' services provided in Arizona, Colorado, and Texas; and

(2) the effect that the level of the geographic cost-of-practice adjustment factor (determined under paragraph (3) of such section) has on the recruitment and retention of physicians in small rural States, including New Mexico, Iowa, Louisiana, and Arkansas.

(b) REPORT.—Not later than 3 months after the date of enactment of this Act, the Secretary of Health and Human Services shall submit a report to Congress on the study conducted under subsection (a), together with any recommendations for legislation that the Secretary determines to be appropriate as a result of such study.

SEC. 219. DENTAL SEALANT DEMONSTRATION PROGRAM. From amounts appropriated under this title for the Health Resources and Services Administration, sufficient funds are available to the Maternal Child Health Bureau for the establishment of a multi-State preventive dentistry demonstration program to improve the oral health of low-income children and increase the access of children to dental sealants through community- and school-based activities.

SEC. 220. WITHHOLDING OF SUBSTANCE ABUSE FUNDS. (a) IN GENERAL.—None of the funds appropriated by this Act may be used to withhold substance abuse funding from a State pursuant to section 1926 of the Public Health Service Act (42 U.S.C. 300x–26) if such State certifies to the Secretary of Health and Human Services that the State will commit additional State funds, in accordance with subsection (b), to ensure compliance with State laws prohibiting the sale of tobacco products to individuals under 18 years of age.

(b) AMOUNT OF STATE FUNDS.—The amount of funds to be committed by a State under subsection (a) shall be equal to one percent of such State's substance abuse block grant allocation for each percentage point by which the State misses the retailer compliance rate goal established by the Secretary of Health and Human Services under section 1926 of such Act, except that the Secretary may agree to a smaller commitment of additional funds by the State.

(c) SUPPLEMENT NOT SUPPLANT.—Amounts expended by a State pursuant to a certification under subsection (a) shall be used to supplement and not supplant State funds used for tobacco prevention programs and for compliance activities described in such subsection in the fiscal year preceding the fiscal year to which this section applies.

(d) ENFORCEMENT OF STATE EXPENDITURE.—The Secretary shall exercise discretion in enforcing the timing of the State expenditure required by the certification described in subsection (a) as late as July 31, 2000.

SEC. 221. CHILDHOOD ASTHMA. In addition to amounts otherwise appropriated under this title for the Centers for Disease Control and Prevention, $8,705,947 in addition to the $1,294,053 already provided for the asthma prevention programs, which shall become available on October 1, 2000 and shall remain available through September 30, 2001, and be utilized to provide grants to local communities for screening, treatment and education relating to childhood asthma.

TITLE III—DEPARTMENT OF EDUCATION

OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

EDUCATION REFORM

For carrying out activities authorized by titles III and IV of the Goals 2000: Educate America Act, the School-to-Work Opportunities Act, and sections 3122, 3132, 3136, and 3141, parts B, C, and D of title III, and part I of title X of the Elementary and Secondary Education Act of 1965, $1,655,600,000, of which $494,000,000 shall be for the Goals 2000 Act, of which $114,875,000 shall become available on July 1, 2000 and remain available through September 30, 2001, and $344,625,000 shall become available on October 1, 2000 and remain available through September 30, 2001, and $55,000,000 for the School-to-Work Opportunities Act shall become available on July 1, 2000 and remain available through September 30, 2001, and of which $87,000,000 shall be for section 3122*: Provided*, That none of the funds appropriated under this heading shall be obligated or expended to carry out section 304(a)(2)(A) of the Goals 2000 Act, except that no more than $1,500,000 may be used to carry out activities under section 314(a)(2) of that Act: *Provided further*, That section 315(a)(2) of the Goals 2000 Act shall not apply: *Provided further*, That up to one-half of 1 percent of the amount available under section 3132 shall be set aside for the outlying areas, to be distributed on the basis of their relative need as determined by the Secretary in accordance with the purposes of the program: *Provided further*, That if any State educational agency does not apply for a grant under section 3132, that State's allotment under section 3131 shall be reserved by the Secretary for grants to local educational agencies in that State that apply directly to the Secretary according to the terms and conditions published by the Secretary in the Federal Register.

EDUCATION FOR THE DISADVANTAGED

For carrying out title I of the Elementary and Secondary Education Act of 1965, and section 418A of the Higher Education Act, $8,750,986,000, of which $2,520,823,000 shall become available on July 1, 2000, and shall remain available through September 30, 2001, and of which $6,204,763,000 shall become available on October 1, 2000 and shall remain available through September 30, 2001, for academic year 2000–2001: *Provided*, That $6,894,000,000 shall be available for basic grants under section 1124: *Provided further*, That up to $3,500,000 of these funds shall be available to the Secretary on October 1, 1999, to obtain updated local-educational-agency-level census poverty data from the Bureau of the Census: *Provided further*, That $1,158,397,000 shall be available for concentration grants under section 1124A: *Provided further*, That $8,900,000 shall be available for evaluations under section 1501 and not more than $8,500,000 shall be reserved for section 1308, of which not more than $3,000,000 shall be reserved for section 1308(d): *Provided further*, That grant awards under sections 1124 and 1124A of title I of the Elementary and Secondary Education Act shall be made to each State and local educational agency at no less than 100 percent of the amount such State or local educational agency received under this authority for fiscal year 1999: *Provided further*, That notwithstanding any other provision of law, grant awards under section 1124A of title I of the Elementary and Secondary Education Act shall be made to those local educational agencies that received a Concentration Grant under the Department of Education Appropriations Act, 1998, but are not eligible to receive such a grant for fiscal year 2000: *Provided further*, That each such local educational agency shall receive an amount equal to the Concentration Grant the agency received in fiscal year 1998, ratably reduced, if necessary, to ensure that these local educational agencies receive no greater share of their hold-harmless amounts than other local educational agencies: *Provided further*, That the Secretary shall not take into account the hold harmless provisions in this section in determining State allocations under any other program administered by the Secretary in any fiscal year: *Provided further*, That $120,000,000 shall be available under section 1002(g)(2) to demonstrate effective approaches to comprehensive school reform to be allocated and expended in accordance with the instructions relating to this activity in the statement of the managers on the conference report accompanying Public Law 105–78 and in the statement of the managers on the conference report accompanying Public Law 105–277: *Provided further*, That in carrying out this initiative, the Secretary and the States shall support only approaches that show the most promise of enabling children served by title I to meet challenging State content standards and challenging State student performance standards based on reliable research and effective practices, and include an emphasis on basic academics and parental involvement.

IMPACT AID

For carrying out programs of financial assistance to federally affected schools authorized by title VIII of the Elementary and Secondary Education Act of 1965, $892,000,000, of

which $725,000,000 shall be for basic support payments under section 8003(b), $50,000,000 shall be for payments for children with disabilities under section 8003(d), $75,000,000, to remain available until expended, shall be for payments under section 8003(f), $7,000,000 shall be for construction under section 8007, $30,000,000 shall be for Federal property payments under section 8002 and $5,000,000 to remain available until expended shall be for facilities maintenance under section 8008.

SCHOOL IMPROVEMENT PROGRAMS

For carrying out school improvement activities authorized by titles II, IV, V–A and B, VI, IX, X, and XIII of the Elementary and Secondary Education Act of 1965 (''ESEA''); the Stewart B. McKinney Homeless Assistance Act; and the Civil Rights Act of 1964 and part B of title VIII of the Higher Education Act; $2,886,634,000, of which $1,126,550,000 shall become available on July 1, 2000, and remain available through September 30, 2001, and of which $1,239,750,000 shall become available on October 1, 2000 and shall remain available through September 30, 2001 for academic year 2000–2001: *Provided*, That of the amount appropriated, $335,000,000 shall be for Eisenhower professional development State grants under title II–B and up to $750,000 shall be for an evaluation of comprehensive regional assistance centers under title XIII of ESEA: *Provided further*, That $1,200,000,000 is appropriated for a teacher assistance initiative pending authorization of that initiative. If the teacher assistance initiative is not authorized by July 1, 2000, the $1,200,000,000 shall be distributed as described in section 307(b)(1) (A) and (B) of the Department of Education Appropriation Act of 1999. School districts may use the funds for class size reduction activities as described in section 307(c)(2)(A) (i)–(iii) of the Department of Education Appropriation Act of 1999 or any activity authorized in section 6301 of the Elementary and Secondary Education Act that will improve the academic achievement of all students. Each such agency shall use funds under this section only to supplement, and not to supplant, State and local funds that, in the absence of such funds, would otherwise be spent for activities under this section.

READING EXCELLENCE

For necessary expenses to carry out the Reading Excellence Act, $90,000,000, which shall become available on July 1, 2000 and shall remain available through September 30, 2001 and $195,000,000 shall become available on October 1, 2000 and remain available through September 30, 2001.

INDIAN EDUCATION

For expenses necessary to carry out, to the extent not otherwise provided, title IX, part A of the Elementary and Secondary Education Act of 1965, as amended, $77,000,000.

OFFICE OF BILINGUAL EDUCATION AND MINORITY LANGUAGES AFFAIRS

BILINGUAL AND IMMIGRANT EDUCATION

For carrying out, to the extent not otherwise provided, bilingual, foreign language and immigrant education activities authorized by parts A and C and section 7203 of title VII of the Elementary and Secondary Education Act of 1965, without regard to section 7103(b), $394,000,000: *Provided*, That State educational agencies may use all, or any part of, their part C allocation for competitive grants to local educational agencies.

OFFICE OF SPECIAL EDUCATION AND REHABILITATIVE SERVICES

SPECIAL EDUCATION

For carrying out the Individuals with Disabilities Education Act, $6,035,646,000, of which $3,834,587,000 shall become available for obligation on July 1, 2000, and shall remain available through September 30, 2001, and of which $2,201,059,000 shall become available on October 1, 2000 and shall remain available through September 30, 2001, for academic year 2000–2001.

REHABILITATION SERVICES AND DISABILITY RESEARCH

For carrying out, to the extent not otherwise provided, the Rehabilitation Act of 1973, the Assistive Technology Act of 1998, and the Helen Keller National Center Act, $2,692,872,000.

SPECIAL INSTITUTIONS FOR PERSONS WITH DISABILITIES

AMERICAN PRINTING HOUSE FOR THE BLIND

For carrying out the Act of March 3, 1879, as amended (20 U.S.C. 101 et seq.), $10,100,000.

NATIONAL TECHNICAL INSTITUTE FOR THE DEAF

For the National Technical Institute for the Deaf under titles I and II of the Education of the Deaf Act of 1986 (20 U.S.C. 4301 et seq.), $48,151,000, of which $2,651,000 shall be for construction and shall remain available until expended: *Provided*, That from the total amount available, the Institute may at its discretion use funds for the endowment program as authorized under section 207.

GALLAUDET UNIVERSITY

For the Kendall Demonstration Elementary School, the Model Secondary School for the Deaf, and the partial support of Gallaudet University under titles I and II of the Education of the Deaf Act of 1986 (20 U.S.C. 4301 et seq.), $85,500,000, of which $2,500,000 shall be for construction and shall remain available until expended: *Provided*, That from the total amount available, the University may at its discretion use funds for the endowment program as authorized under section 207.

OFFICE OF VOCATIONAL AND ADULT EDUCATION

VOCATIONAL AND ADULT EDUCATION

For carrying out, to the extent not otherwise provided, the Carl D. Perkins Vocational and Technical Education Act, the Adult Education and Family Literacy Act, and title VIII–D of the Higher Education Act of 1965, as amended, and Public Law 102–73, $1,676,750,000, of which $3,500,000 shall remain available until expended, and of which $1,658,150,000 shall become available on July 1, 2000 and shall remain available through September 30, 2001: *Provided*, That of the amounts made available for the Perkins Act, $4,600,000 shall be for tribally controlled vocational institutions under section 117: *Provided further*, That $9,000,000 shall be for carrying out Section 118 of such act for all activities conducted by and through the National Occupational Information Coordinating Committee: *Provided further*, That of the amounts made available for the Adult Education and Family Literacy Act, $14,000,000 shall be for national leadership activities under section 243 and $6,000,000 shall be for the National Institute for Literacy under section 242: *Provided further*, That $19,000,000 shall be for Youth Offender Grants, of which $5,000,000, which shall become available on July 1, 2000, and remain available through September 30, 2001, shall be used in accordance with section 601 of Public Law 102–73 as that section was in effect prior to enactment of Public Law 105–220.

OFFICE OF POSTSECONDARY EDUCATION

STUDENT FINANCIAL ASSISTANCE

For carrying out subparts 1, 3 and 4 of part A, part C and part E of title IV of the Higher Education Act of 1965, as amended, $9,498,000,000, which shall remain available through September 30, 2001 and of which $1,176,400,000 shall become available on October 1, 2000 and remain available through September 30, 2001.

The maximum Pell Grant for which a student shall be eligible during award year 2000–2001 shall be $3,325: *Provided*, That notwithstanding section 401(g) of the Act, if the Secretary determines, prior to publication of the payment schedule for such award year, that the amount included within this appropriation for Pell Grant awards in such award year, and any funds available from the fiscal year 1999 appropriation for Pell Grant awards, are insufficient to satisfy fully all such awards for which students are eligible, as calculated under section 401(b) of the Act, the amount paid for each such award shall be reduced by either a fixed or variable percentage, or by a fixed dollar amount, as determined in accordance with a schedule of reductions established by the Secretary for this purpose.

FEDERAL FAMILY EDUCATION LOAN PROGRAM ACCOUNT

For Federal administrative expenses to carry out guaranteed student loans authorized by title IV, part B, of the Higher Education Act, as amended, $48,000,000.

HIGHER EDUCATION

For carrying out, to the extent not otherwise provided, section 121 and titles II, III, IV, V, VI, VII, and VIII of the Higher Education Act of 1965, as amended, and the Mutual Educational and Cultural Exchange Act of 1961; $1,406,631,000, of which $12,000,000 for interest subsidies authorized by section 121 of the Higher Education Act, shall remain available until expended: *Provided*, That funds available for part A, subpart 2 of title VII of the Higher Education Act shall be available to fund awards for academic year 2000–2001 for fellowships under part A, subpart 1 of title VII of said Act, under the terms and conditions of part A, subpart 1: *Provided further*, That not more than 0.75 percent of the funds appropriated to carry out title II of the Higher Education Act may be used to conduct activities evaluating that program: *Provided further*, That $2,000,000 shall be for carrying out part C of title VIII of the Higher Education amendments of 1998.

HOWARD UNIVERSITY

For partial support of Howard University (20 U.S.C. 121 et seq.), $219,444,000, of which not less than $3,530,000 shall be for a matching endowment grant pursuant to the Howard University Endowment Act (Public Law 98–480), of which $3,530,000 shall remain available until expended.

COLLEGE HOUSING AND ACADEMIC FACILITIES LOANS PROGRAM

For Federal administrative expenses authorized under section 121 of the Higher Education Act, $737,000 to carry out activities related to existing facility loans entered into under the Higher Education Act.

HISTORICALLY BLACK COLLEGE AND UNIVERSITY CAPITAL FINANCING PROGRAM ACCOUNT

The total amount of bonds insured pursuant to section 344 of title III, part D of the Higher Education Act shall not exceed $357,000,000, and the cost, as defined in section 502 of the Congressional Budget Act of 1974, of such bonds shall not exceed zero.

For administrative expenses to carry out the Historically Black College and University Capital Financing Program entered into pursuant to title III, part D of the Higher Education Act, as amended, $207,000.

OFFICE OF EDUCATIONAL RESEARCH AND IMPROVEMENT

EDUCATION RESEARCH, STATISTICS, AND IMPROVEMENT

For carrying out activities authorized by the Educational Research, Development, Dissemination, and Improvement Act of 1994, including part E; the National Education Statistics Act of 1994, including sections 411 and

412; section 2102 of title II, and parts A, B, and K and section 10601 of title X, and part C of title XIII of the Elementary and Secondary Education Act of 1965, as amended, and title VI of Public Law 103–227, $468,867,000: *Provided*, That $25,000,000 shall be available to demonstrate effective approaches to comprehensive school reform, to be allocated and expended in accordance with the instructions relating to this activity in the statement of managers on the conference report accompanying Public Law 105–78: *Provided further*, That the funds made available for comprehensive school reform shall become available on July 1, 2000, and remain available through September 30, 2001, and in carrying out this initiative, the Secretary and the States shall support only approaches that show the most promise of enabling children to meet challenging State content standards and challenging State student performance standards based on reliable research and effective practices, and include an emphasis on basic academics and parental involvement: *Provided further*, That $10,000,000 of the funds provided for the national education research institutes shall be allocated notwithstanding sections 912(m)(1)(B)–(F) and 931(c)(2)(B)–(C) of Public Law 103–227.

DEPARTMENTAL MANAGEMENT

PROGRAM ADMINISTRATION

For carrying out, to the extent not otherwise provided, the Department of Education Organization Act, including rental of conference rooms in the District of Columbia and hire of two passenger motor vehicles, $370,184,000.

OFFICE FOR CIVIL RIGHTS

For expenses necessary for the Office for Civil Rights, as authorized by section 203 of the Department of Education Organization Act, $71,200,000.

OFFICE OF THE INSPECTOR GENERAL

For expenses necessary for the Office of the Inspector General, as authorized by section 212 of the Department of Education Organization Act, $34,000,000.

GENERAL PROVISIONS

SEC. 301. No funds appropriated in this Act may be used for the transportation of students or teachers (or for the purchase of equipment for such transportation) in order to overcome racial imbalance in any school or school system, or for the transportation of students or teachers (or for the purchase of equipment for such transportation) in order to carry out a plan of racial desegregation of any school or school system.

SEC. 302. None of the funds contained in this Act shall be used to require, directly or indirectly, the transportation of any student to a school other than the school which is nearest the student's home, except for a student requiring special education, to the school offering such special education, in order to comply with title VI of the Civil Rights Act of 1964. For the purpose of this section an indirect requirement of transportation of students includes the transportation of students to carry out a plan involving the reorganization of the grade structure of schools, the pairing of schools, or the clustering of schools, or any combination of grade restructuring, pairing or clustering. The prohibition described in this section does not include the establishment of magnet schools.

SEC. 303. No funds appropriated under this Act may be used to prevent the implementation of programs of voluntary prayer and meditation in the public schools.

(TRANSFER OF FUNDS)

SEC. 304. Not to exceed 1 percent of any discretionary funds (pursuant to the Balanced Budget and Emergency Deficit Control Act, as amended) which are appropriated for the Department of Education in this Act may be transferred between appropriations, but no such appropriation shall be increased by more than 3 percent by any such transfer: *Provided*, That the Appropriations Committees of both Houses of Congress are notified at least fifteen days in advance of any transfer.

NATIONAL TESTING

SEC. 305. (a) IN GENERAL.—Part C of the General Education Provisions Act (20 U.S.C. 1231 et seq.) is amended by adding at the end the following:

"SEC. 447. PROHIBITION ON FEDERALLY SPONSORED TESTING.

''(a) GENERAL PROHIBITION.—Notwithstanding any other provision of Federal law and except as provided in subsection (b), no funds provided to the Department of Education or to an applicable program, may be used to pilot test, field test, implement, administer or distribute in any way any federally sponsored national test in reading, mathematics, or any other subject that is not specifically and explicitly provided for in authorizing legislation enacted into law.

''(b) EXCEPTIONS.—Subsection (a) shall not apply to the Third International Mathematics and Science Study or other international comparative assessments developed under the authority of section 404(a)(6) of the National Education Statistics Act of 1994 (20 U.S.C. 9003(a)(6) et seq.) and administered to only a representative sample of pupils in the United States and in foreign nations.''.

(b) AUTHORITY OF NATIONAL ASSESSMENT GOVERNING BOARD.—Subject to section 447 of the General Education Provisions Act, the exclusive authority over the direction and all policies and guidelines for developing voluntary national tests pursuant to contract RJ97153001 previously entered into between the United States Department of Education and the American Institutes for Research and executed on August 15, 1997, and subsequently modified by the National Assessment Governing Board on February 11, 1998, shall continue to be vested in the National Assessment Governing Board established under section 412 of the National Education Statistics Act of 1994 (20 U.S.C. 9011).

SEC. 306. FUNDING. Notwithstanding any other provision of law—

(1) the total amount made available under this Act to carry out part A of title X of the Elementary and Secondary Education Act of 1965 shall be $39,500,000;

(2) the total amount made available under this Act to carry out part C of title X of the Elementary and Secondary Education Act of 1965 shall be $150,000,000; and

(3) the total amount made available under this Act to carry out subpart 1 of part A of title IV of the Elementary and Secondary Education Act of 1965 shall be $451,000,000, of which $111,275,000 shall be available on July 1, 2000.

SEC. 307. LEVERAGING EDUCATIONAL ASSISTANCE PARTNERSHIP PROGRAM. Notwithstanding any other provision of this title, amounts appropriated in this title to carry out the leveraging educational assistance partnership program under section 407 of the Higher Education Act of 1965 (20 U.S.C. 1070c et seq.) shall be increased by $50,000,000, and these additional funds shall become available on October 1, 2000.

TITLE IV—RELATED AGENCIES

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

DOMESTIC VOLUNTEER SERVICE PROGRAMS, OPERATING EXPENSES

For expenses necessary for the Corporation for National and Community Service to carry out the provisions of the Domestic Volunteer Service Act of 1973, as amended, $293,261,000.

CORPORATION FOR PUBLIC BROADCASTING

For payment to the Corporation for Public Broadcasting, as authorized by the Communications Act of 1934, an amount which shall be available within limitations specified by that Act, for the fiscal year 2002, $350,000,000: *Provided*, That no funds made available to the Corporation for Public Broadcasting by this Act shall be used to pay for receptions, parties, or similar forms of entertainment for Government officials or employees: *Provided further*, That none of the funds contained in this paragraph shall be available or used to aid or support any program or activity from which any person is excluded, or is denied benefits, or is discriminated against, on the basis of race, color, national origin, religion, or sex.

FEDERAL MEDIATION AND CONCILIATION SERVICE

SALARIES AND EXPENSES

For expenses necessary for the Federal Mediation and Conciliation Service to carry out the functions vested in it by the Labor Management Relations Act, 1947 (29 U.S.C. 171–180, 182–183), including hire of passenger motor vehicles; for expenses necessary for the Labor-Management Cooperation Act of 1978 (29 U.S.C. 175a); and for expenses necessary for the Service to carry out the functions vested in it by the Civil Service Reform Act, Public Law 95–454 (5 U.S.C. ch. 71), $36,834,000, including $1,500,000, to remain available through September 30, 2001, for activities authorized by the Labor-Management Cooperation Act of 1978 (29 U.S.C. 175a): *Provided*, That notwithstanding 31 U.S.C. 3302, fees charged, up to full-cost recovery, for special training activities and other conflict resolution services and technical assistance, including those provided to foreign governments and international organizations, and for arbitration services shall be credited to and merged with this account, and shall remain available until expended: *Provided further*, That fees for arbitration services shall be available only for education, training, and professional development of the agency workforce: *Provided further*, That the Director of the Service is authorized to accept and use on behalf of the United States gifts of services and real, personal, or other property in the aid of any projects or functions within the Director's jurisdiction.

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

SALARIES AND EXPENSES

For expenses necessary for the Federal Mine Safety and Health Review Commission (30 U.S.C. 801 et seq.), $6,159,000.

OFFICE OF LIBRARY SERVICES: GRANTS AND ADMINISTRATION

For carrying out subtitle B of the Museum and Library Services Act, $154,500,000.

MEDICARE PAYMENT ADVISORY COMMISSION

SALARIES AND EXPENSES

For expenses necessary to carry out section 1805 of the Social Security Act, $7,015,000, to be transferred to this appropriation from the Federal Hospital Insurance and the Federal Supplementary Medical Insurance Trust Funds.

NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE

SALARIES AND EXPENSES

For necessary expenses for the National Commission on Libraries and Information Science, established by the Act of July 20, 1970 (Public Law 91–345, as amended), $1,300,000.

NATIONAL COUNCIL ON DISABILITY

SALARIES AND EXPENSES

For expenses necessary for the National Council on Disability as authorized by title IV of the Rehabilitation Act of 1973, as amended, $2,400,000.

NATIONAL EDUCATION GOALS PANEL

For expenses necessary for the National Education Goals Panel, as authorized by title II, part A of the Goals 2000: Educate America Act, $2,250,000.

NATIONAL LABOR RELATIONS BOARD

SALARIES AND EXPENSES

For expenses necessary for the National Labor Relations Board to carry out the functions vested in it by the Labor-Management Relations Act, 1947, as amended (29 U.S.C. 141–167), and other laws, $210,193,000: *Provided,* That no part of this appropriation shall be available to organize or assist in organizing agricultural laborers or used in connection with investigations, hearings, directives, or orders concerning bargaining units composed of agricultural laborers as referred to in section 2(3) of the Act of July 5, 1935 (29 U.S.C. 152), and as amended by the Labor-Management Relations Act, 1947, as amended, and as defined in section 3(f) of the Act of June 25, 1938 (29 U.S.C. 203), and including in said definition employees engaged in the maintenance and operation of ditches, canals, reservoirs, and waterways when maintained or operated on a mutual, nonprofit basis and at least 95 percent of the water stored or supplied thereby is used for farming purposes.

NATIONAL MEDIATION BOARD

SALARIES AND EXPENSES

For expenses necessary to carry out the provisions of the Railway Labor Act, as amended (45 U.S.C. 151–188), including emergency boards appointed by the President, $9,100,000: *Provided,* That unobligated balances at the end of fiscal year 1999 not needed for emergency boards shall remain available for other statutory purposes through September 30, 2000.

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

SALARIES AND EXPENSES

For expenses necessary for the Occupational Safety and Health Review Commission (29 U.S.C. 661), $8,500,000.

RAILROAD RETIREMENT BOARD

FEDERAL WINDFALL SUBSIDY

For payment to the Dual Benefits Payments Account, authorized under section 15(d) of the Railroad Retirement Act of 1974, $175,000,000, which shall include amounts becoming available in fiscal year 2000 pursuant to section 224(c)(1)(B) of Public Law 98–76; and in addition, an amount, not to exceed 2 percent of the amount provided herein, shall be available proportional to the amount by which the product of recipients and the average benefit received exceeds $175,000,000: *Provided,* That the total amount provided herein shall be credited in 12 approximately equal amounts on the first day of each month in the fiscal year.

FEDERAL PAYMENTS TO THE RAILROAD RETIREMENT ACCOUNTS

For payment to the accounts established in the Treasury for the payment of benefits under the Railroad Retirement Act for interest earned on unnegotiated checks, $150,000, to remain available through September 30, 2001, which shall be the maximum amount available for payment pursuant to section 417 of Public Law 98–76.

LIMITATION ON ADMINISTRATION

For necessary expenses for the Railroad Retirement Board for administration of the Railroad Retirement Act and the Railroad Unemployment Insurance Act, $90,000,000, to be derived in such amounts as determined by the Board from the railroad retirement accounts and from moneys credited to the railroad unemployment insurance administration fund.

LIMITATION ON THE OFFICE OF INSPECTOR GENERAL

For expenses necessary for the Office of Inspector General for audit, investigatory and review activities, as authorized by the Inspector General Act of 1978, as amended, not more than $5,400,000, to be derived from the railroad retirement accounts and railroad unemployment insurance account: *Provided,* That none of the funds made available in any other paragraph of this Act may be transferred to the Office; used to carry out any such transfer; used to provide any office space, equipment, office supplies, communications facilities or services, maintenance services, or administrative services for the Office; used to pay any salary, benefit, or award for any personnel of the Office; used to pay any other operating expense of the Office; or used to reimburse the Office for any service provided, or expense incurred, by the Office.

SOCIAL SECURITY ADMINISTRATION

PAYMENTS TO SOCIAL SECURITY TRUST FUNDS

For payment to the Federal Old-Age and Survivors Insurance and the Federal Disability Insurance trust funds, as provided under sections 201(m), 228(g), and 1131(b)(2) of the Social Security Act, $20,764,000.

SPECIAL BENEFITS FOR DISABLED COAL MINERS

For carrying out title IV of the Federal Mine Safety and Health Act of 1977, $383,638,000, to remain available until expended.

For making, after July 31 of the current fiscal year, benefit payments to individuals under title IV of the Federal Mine Safety and Health Act of 1977, for costs incurred in the current fiscal year, such amounts as may be necessary.

For making benefit payments under title IV of the Federal Mine Safety and Health Act of 1977 for the first quarter of fiscal year 2001, $124,000,000, to remain available until expended.

SUPPLEMENTAL SECURITY INCOME PROGRAM

For carrying out titles XI and XVI of the Social Security Act, section 401 of Public Law 92–603, section 212 of Public Law 93–66, as amended, and section 405 of Public Law 95–216, including payment to the Social Security trust funds for administrative expenses incurred pursuant to section 201(g)(1) of the Social Security Act, $21,553,085,000, to remain available until expended: *Provided,* That any portion of the funds provided to a State in the current fiscal year and not obligated by the State during that year shall be returned to the Treasury.

From funds provided under the previous paragraph, not less than $100,000,000 shall be available for payment to the Social Security trust funds for administrative expenses for conducting continuing disability reviews.

In addition, $200,000,000, to remain available until September 30, 2001, for payment to the Social Security trust funds for administrative expenses for continuing disability reviews as authorized by section 103 of Public Law 104–121 and section 10203 of Public Law 105–33. The term ''continuing disability reviews'' means reviews and redeterminations as defined under section 201(g)(1)(A) of the Social Security Act, as amended.

For making, after June 15 of the current fiscal year, benefit payments to individuals under title XVI of the Social Security Act, for unanticipated costs incurred for the current fiscal year, such sums as may be necessary.

For making benefit payments under title XVI of the Social Security Act for the first quarter of fiscal year 2001, $9,890,000,000, to remain available until expended.

LIMITATION ON ADMINISTRATIVE EXPENSES

For necessary expenses, including the hire of two passenger motor vehicles, and not to exceed $10,000 for official reception and representation expenses, not more than $6,188,871,000 may be expended, as authorized by section 201(g)(1) of the Social Security Act, from any one or all of the trust funds referred to therein: *Provided,* That not less than $1,800,000 shall be for the Social Security Advisory Board: *Provided further,* That unobligated balances at the end of fiscal year 2000 not needed for fiscal year 2000 shall remain available until expended to invest in the Social Security Administration computing network, including related equipment and non-payroll administrative expenses associated solely with this network: *Provided further,* That reimbursement to the trust funds under this heading for expenditures for official time for employees of the Social Security Administration pursuant to section 7131 of title 5, United States Code, and for facilities or support services for labor organizations pursuant to policies, regulations, or procedures referred to in section 7135(b) of such title shall be made by the Secretary of the Treasury, with interest, from amounts in the general fund not otherwise appropriated, as soon as possible after such expenditures are made.

From funds provided under the first paragraph, not less than $200,000,000 shall be available for conducting continuing disability reviews.

In addition to funding already available under this heading, and subject to the same terms and conditions, $405,000,000, to remain available until September 30, 2001, for continuing disability reviews as authorized by section 103 of Public Law 104–121 and section 10203 of Public Law 105–33. The term ''continuing disability reviews'' means reviews and redeterminations as defined under section 201(g)(1)(A) of the Social Security Act as amended.

In addition, $80,000,000 to be derived from administration fees in excess of $5.00 per supplementary payment collected pursuant to section 1616(d) of the Social Security Act or section 212(b)(3) of Public Law 93–66, which shall remain available until expended. To the extent that the amounts collected pursuant to such section 1616(d) or 212(b)(3) in fiscal year 2000 exceed $80,000,000, the amounts shall be available in fiscal year 2001 only to the extent provided in advance in appropriations Acts.

From amounts previously made available under this heading for a state-of-the-art computing network, not to exceed $100,000,000 shall be available for necessary expenses under this heading, subject to the same terms and conditions.

OFFICE OF INSPECTOR GENERAL

(INCLUDING TRANSFER OF FUNDS)

For expenses necessary for the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $15,000,000, together with not to exceed $51,000,000, to be transferred and expended as authorized by section 201(g)(1) of the Social Security Act from the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund.

In addition, an amount not to exceed 3 percent of the total provided in this appropriation may be transferred from the ''Limitation on Administrative Expenses'', Social Security Administration, to be merged with this account, to be available for the time and

purposes for which this account is available: *Provided,* That notice of such transfers shall be transmitted promptly to the Committees on Appropriations of the House and Senate.

UNITED STATES INSTITUTE OF PEACE

OPERATING EXPENSES

For necessary expenses of the United States Institute of Peace as authorized in the United States Institute of Peace Act, $13,000,000.

TITLE V—GENERAL PROVISIONS

SEC. 501. The Secretaries of Labor, Health and Human Services, and Education are authorized to transfer unexpended balances of prior appropriations to accounts corresponding to current appropriations provided in this Act: *Provided,* That such transferred balances are used for the same purpose, and for the same periods of time, for which they were originally appropriated.

SEC. 502. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 503. (a) No part of any appropriation contained in this Act shall be used, other than for normal and recognized executive-legislative relationships, for publicity or propaganda purposes, for the preparation, distribution, or use of any kit, pamphlet, booklet, publication, radio, television, or video presentation designed to support or defeat legislation pending before the Congress or any State legislature, except in presentation to the Congress or any State legislature itself.

(b) No part of any appropriation contained in this Act shall be used to pay the salary or expenses of any grant or contract recipient, or agent acting for such recipient, related to any activity designed to influence legislation or appropriations pending before the Congress or any State legislature.

SEC. 504. The Secretaries of Labor and Education are each authorized to make available not to exceed $15,000 from funds available for salaries and expenses under titles I and III, respectively, for official reception and representation expenses; the Director of the Federal Mediation and Conciliation Service is authorized to make available for official reception and representation expenses not to exceed $2,500 from the funds available for ''Salaries and expenses, Federal Mediation and Conciliation Service''; and the Chairman of the National Mediation Board is authorized to make available for official reception and representation expenses not to exceed $2,500 from funds available for ''Salaries and expenses, National Mediation Board''.

SEC. 505. Notwithstanding any other provision of this Act, no funds appropriated under this Act shall be used to carry out any program of distributing sterile needles or syringes for the hypodermic injection of any illegal drug. This provision shall become effective one day after the date of enactment of this Act.

SEC. 506. (a) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—It is the sense of the Congress that, to the greatest extent practicable, all equipment and products purchased with funds made available in this Act should be American-made.

(b) NOTICE REQUIREMENT.—In providing financial assistance to, or entering into any contract with, any entity using funds made available in this Act, the head of each Federal agency, to the greatest extent practicable, shall provide to such entity a notice describing the statement made in subsection (a) by the Congress.

(c) PROHIBITION OF CONTRACTS WITH PERSONS FALSELY LABELING PRODUCTS AS MADE IN AMERICA.—If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a ''Made in America'' inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, the person shall be ineligible to receive any contract or subcontract made with funds made available in this Act, pursuant to the debarment, suspension, and ineligibility procedures described in sections 9.400 through 9.409 of title 48, Code of Federal Regulations.

SEC. 507. When issuing statements, press releases, requests for proposals, bid solicitations and other documents describing projects or programs funded in whole or in part with Federal money, all grantees receiving Federal funds included in this Act, including but not limited to State and local governments and recipients of Federal research grants, shall clearly state: (1) the percentage of the total costs of the program or project which will be financed with Federal money; (2) the dollar amount of Federal funds for the project or program; and (3) percentage and dollar amount of the total costs of the project or program that will be financed by nongovernmental sources.

SEC. 508. (a) None of the funds appropriated under this Act, and none of the funds in any trust fund to which funds are appropriated under this Act, shall be expended for any abortion.

(b) None of the funds appropriated under this Act, and none of the funds in any trust fund to which funds are appropriated under this Act, shall be expended for health benefits coverage that includes coverage of abortion.

(c) The term ''health benefits coverage'' means the package of services covered by a managed care provider or organization pursuant to a contract or other arrangement.

SEC. 509. (a) The limitations established in the preceding section shall not apply to an abortion—

(1) if the pregnancy is the result of an act of rape or incest; or

(2) in the case where a woman suffers from a physical disorder, physical injury, or physical illness, including a life-endangering physical condition caused by or arising from the pregnancy itself, that would, as certified by a physician, place the woman in danger of death unless an abortion is performed.

(b) Nothing in the preceding section shall be construed as prohibiting the expenditure by a State, locality, entity, or private person of State, local, or private funds (other than a State's or locality's contribution of Medicaid matching funds).

(c) Nothing in the preceding section shall be construed as restricting the ability of any managed care provider from offering abortion coverage or the ability of a State or locality to contract separately with such a provider for such coverage with State funds (other than a State's or locality's contribution of Medicaid matching funds).

SEC. 510. (a) None of the funds made available in this Act may be used for—

(1) the creation of a human embryo or embryos for research purposes; or

(2) research in which a human embryo or embryos are destroyed, discarded, or knowingly subjected to risk of injury or death greater than that allowed for research on fetuses in utero under 45 CFR 46.208(a)(2) and section 498(b) of the Public Health Service Act (42 U.S.C. 289g(b)).

(b) For purposes of this section, the term ''human embryo or embryos'' includes any organism, not protected as a human subject under 45 CFR 46 as of the date of the enactment of this Act, that is derived by fertilization, parthenogenesis, cloning, or any other means from one or more human gametes or human diploid cells.

SEC. 511. (a) LIMITATION ON USE OF FUNDS FOR PROMOTION OF LEGALIZATION OF CONTROLLED SUBSTANCES.—None of the funds made available in this Act may be used for any activity that promotes the legalization of any drug or other substance included in schedule I of the schedules of controlled substances established by section 202 of the Controlled Substances Act (21 U.S.C. 812).

(b) EXCEPTIONS.—The limitation in subsection (a) shall not apply when there is significant medical evidence of a therapeutic advantage to the use of such drug or other substance or that federally sponsored clinical trials are being conducted to determine therapeutic advantage.

SEC. 512. None of the funds made available in this Act may be obligated or expended to enter into or renew a contract with an entity if—

(1) such entity is otherwise a contractor with the United States and is subject to the requirement in section 4212(d) of title 38, United States Code, regarding submission of an annual report to the Secretary of Labor concerning employment of certain veterans; and

(2) such entity has not submitted a report as required by that section for the most recent year for which such requirement was applicable to such entity.

SEC. 513. None of the funds made available in this Act may be used to promulgate or adopt any final standard under section 1173(b) of the Social Security Act (42 U.S.C. 1320d–2(b)) providing for, or providing for the assignment of, a unique health identifier for an individual (except in an individual's capacity as an employer or a health care provider), until legislation is enacted specifically approving the standard.

SEC. 514. Section 520(c)(2)(D) of the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 1997, as amended, is further amended by striking ''December 31, 1997'' and inserting ''December 31, 1999''.

SEC. 515. It is the sense of the Senate that the conferees on H.R. 2466, the Department of Interior and Related Agencies Appropriations Act, shall include language prohibiting funds from being used for the Brooklyn Museum of Art unless the Museum immediately cancels the exhibit ''Sensation'', which contains obscene and pornographic pictures, a picture of the Virgin Mary desecrated with animal feces, and other examples of religious bigotry.

SEC. 516. SENSE OF THE SENATE REGARDING PAYMENTS UNDER THE PROSPECTIVE PAYMENT SYSTEM FOR HOSPITAL OUTPATIENT DEPARTMENT SERVICES. (a) FINDINGS.—The Senate finds the following:

(1) The Balanced Budget Act of 1997, in order to achieve the objective of balancing the Federal budget, provided for the single largest change in the medicare program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) since the inception of such program in 1965.

(2) Reliable, independent estimates now project that the changes to the medicare program provided for in the Balanced Budget Act of 1997 will result in the reduction of payments to health care providers that greatly exceeds the level of estimated reductions when such Act was enacted.

(3) Congressional oversight has begun to reveal that these greater-than-anticipated reductions in payments are harming the ability of health care providers to maintain and deliver high-quality health care services to beneficiaries under the medicare program and to other individuals.

(4) One of the key factors that has caused these greater-than-anticipated reductions in payments is the inappropriate regulatory action taken by the Secretary in implementing the provisions of the Balanced Budget Act of 1997.

(5) The Secretary of Health and Human Services, contrary to the direction of 77 Members of the Senate and 253 Members of the House of Representatives (stated in letters to the Secretary dated June 18, 1999, and September 14, 1999, respectively), has persisted in interpreting the provisions of the prospective payment system for hospital outpatient department services under section 1833(t) of the Social Security Act (42 U.S.C. 1395l(t)) in a manner that would impose an unintended 5.7 percent across the board reduction in payments under such system.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the Secretary of Health and Human Services should carry out congressional intent and cease its inappropriate interpretation of the provisions of the prospective payment system for hospital outpatient department services under section 1833(t) of the Social Security Act (42 U.S.C. 1395l(t)).

SEC. 517. It is the sense of the Senate that it is important that Congress determine the economic status of former recipients of assistance under the temporary assistance to needy families program funded under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.).

SEC. 518. CONFOUNDING BIOLOGICAL AND PHYSIOLOGICAL INFLUENCES ON POLYGRAPHY. (a) FINDINGS.—The Senate finds that:

(1) The use of polygraph tests as a screening tool for Federal employees and contractor personnel is increasing.

(2) A 1983 study by the Office of Technology Assessment found little scientific evidence to support the validity of polygraph tests in such screening applications.

(3) The 1983 study further found that little or no scientific study had been undertaken on the effects of prescription and nonprescription drugs on the validity of polygraph tests, as well as differential responses to polygraph tests according to biological and physiological factors that may vary according to age, gender, or ethnic backgrounds, or other factors relating to natural variability in human populations.

(4) A scientific evaluation of these important influences on the potential validity of polygraph tests should be studied by a neutral agency with biomedical and physiological expertise in order to evaluate the further expansion of the use of polygraph tests on Federal employees and contractor personnel.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the Director of the National Institutes of Health should enter into appropriate arrangements with the National Academy of Sciences to conduct a comprehensive study and investigation into the scientific validity of polygraphy as a screening tool for Federal and Federal contractor personnel, with particular reference to the validity of polygraph tests being proposed for use in proposed rules published at 64 Fed. Reg. 45062 (August 18, 1999).

SEC. 519. (a) FINDINGS.—Congress makes the following findings:

(1) In 1999, prostate cancer is expected to kill more than 37,000 men in the United States and be diagnosed in over 180,000 new cases.

(2) Prostate cancer is the most diagnosed nonskin cancer in the United States.

(3) African Americans have the highest incidence of prostate cancer in the world.

(4) Considering the devastating impact of the disease among men and their families, prostate cancer research remains underfunded.

(5) More resources devoted to clinical and translational research at the National Institutes of Health will be highly determinative of whether rapid advances can be attained in treatment and ultimately a cure for prostate cancer.

(6) The Congressionally Directed Department of Defense Prostate Cancer Research Program is making important strides in innovative prostate cancer research, and this Program presented to Congress in April of 1998 a full investment strategy for prostate cancer research at the Department of Defense.

(7) The Senate expressed itself unanimously in 1998 that the Federal commitment to biomedical research should be doubled over the next 5 years.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) finding treatment breakthroughs and a cure for prostate cancer should be made a national health priority;

(2) significant increases in prostate cancer research funding, commensurate with the impact of the disease, should be made available at the National Institutes of Health and to the Department of Defense Prostate Cancer Research Program; and

(3) these agencies should prioritize prostate cancer research that is directed toward innovative clinical and translational research projects in order that treatment breakthroughs can be more rapidly offered to patients.

SEC. 520. The United States-Mexico Border Health Commission Act (22 U.S.C. 290n et seq.) is amended—

(1) by striking section 2 and inserting the following:

"SEC. 2. APPOINTMENT OF MEMBERS OF BORDER HEALTH COMMISSION.

''Not later than 30 days after the date of enactment of this section, the President shall appoint the United States members of the United States-Mexico Border Health Commission, and shall attempt to conclude an agreement with Mexico providing for the establishment of such Commission.''; and

(2) in section 3—

(A) in paragraph (1), by striking the semicolon and inserting ''; and'';

(B) in paragraph (2)(B), by striking ''; and'' and inserting a period; and

(C) by striking paragraph (3).

SEC. 521. SENSE OF THE SENATE ON WOMEN'S ACCESS TO OBSTETRIC AND GYNECOLOGICAL SERVICES. (a) FINDINGS.—Congress makes the following findings:

(1) In the 1st session of the 106th Congress, 23 bills have been introduced to allow women direct access to their ob-gyn provider for obstetric and gynecologic services covered by their health plans.

(2) Direct access to ob-gyn care is a protection that has been established by Executive order for enrollees in medicare, medicaid, and Federal Employee Health Benefit Programs.

(3) American women overwhelmingly support passage of Federal legislation requiring health plans to allow women to see their ob-gyn providers without first having to obtain a referral. A 1998 survey by the Kaiser Family Foundation and Harvard University found that 82 percent of Americans support passage of a direct access law.

(4) While 39 States have acted to promote residents' access to ob-gyn providers, patients in other State- or federally-governed health plans are not protected from access restrictions or limitations.

(5) In May of 1999 the Commonwealth Fund issued a survey on women's health, determining that 1 of 4 women (23 percent) need to first receive permission from their primary care physician before they can go and see their ob-gyn provider for covered obstetric or gynecologic care.

(6) Sixty percent of all office visits to ob-gyn providers are for preventive care.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that Congress should enact legislation that requires health plans to provide women with direct access to a participating health provider who specializes in obstetrics and gynecological services, and that such direct access should be provided for all obstetric and gynecologic care covered by their health plans, without first having to obtain a referral from a primary care provider or the health plan.

SEC. 522. SENSE OF THE SENATE REGARDING COMPREHENSIVE PUBLIC EDUCATION REFORM. (a) FINDINGS.—The Senate finds the following:

(1) Recent scientific evidence demonstrates that enhancing children's physical, social, emotional, and intellectual development before the age of six results in tremendous benefits throughout life.

(2) Successful schools are led by well-trained, highly qualified principals, but many principals do not get the training that the principals need in management skills to ensure their school provides an excellent education for every child.

(3) Good teachers are a crucial catalyst to quality education, but one in four new teachers do not meet State certification requirements; each year more than 50,000 under-prepared teachers enter the classroom; and 12 percent of new teachers have had no teacher training at all.

(4) Public school choice is a driving force behind reform and is vital to increasing accountability and improving low-performing schools.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the Federal Government should support State and local educational agencies engaged in comprehensive reform of their public education system and that any education reform should include at least the following principals—

(1) that every child should begin school ready to learn by providing the resources to expand existing programs, such as Even Start and Head Start;

(2) that training and development for principals and teachers should be a priority;

(3) that public school choice should be encouraged to increase options for students;

(4) that support should be given to communities to develop additional counseling opportunities for at-risk students; and

(5) school boards, administrators, principals, parents, teachers, and students must be accountable for the success of the public education system and corrective action in underachieving schools must be taken.

SEC. 523. The applicable time limitations with respect to the giving of notice of injury and the filing of a claim for compensation for disability or death by an individual under the Federal Employees' Compensation Act, as amended, for injuries sustained as a result of the person's exposure to a nitrogen or sulfur mustard agent in the performance of official duties as an employee at the Department of the Army's Edgewood Arsenal before March 20, 1944, shall not begin to run until the date of enactment of this Act.

SEC. 524. Section 169(d)(2)(B) of Public Law 105–220, the Workforce Investment Act of 1998, is amended by striking ''or Alaska Native villages or Native groups (as such terms are defined in section 3 of the Alaska Native Claims Settlement Act (43 U.S.C. 1602)).'', and inserting in lieu thereof, ''or Alaska Natives.''.

SEC. 525. SENSE OF THE SENATE ON PREVENTION OF NEEDLESTICK INJURIES. (a) FINDINGS.—The Senate finds that—

(1) the Centers for Disease Control and Prevention reports that American health care workers report more than 800,000 needlestick and sharps injuries each year;

(2) the occurrence of needlestick injuries is believed to be widely under-reported;

(3) needlestick and sharps injuries result in at least 1,000 new cases of health care workers with HIV, hepatitis C or hepatitis B every year; and

(4) more than 80 percent of needlestick injuries can be prevented through the use of safer devices.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the Senate should pass legislation that would eliminate or minimize the significant risk of needlestick injury to health care workers.

SEC. 526. (a) The Centers for Disease Control and Prevention shall hereafter be known and designated as the ''Thomas R. Harkin Centers for Disease Control and Prevention''.

(b) Effective upon the date of enactment of this Act, any reference in a law, document, record, or other paper of the United States to the ''Centers for Disease Control and Prevention'' shall be deemed to be a reference to the ''Thomas R. Harkin Centers for Disease Control and Prevention''.

(c) Nothing in this section shall be construed as prohibiting the Director of the Thomas R. Harkin Centers for Disease Control and Prevention from utilizing for official purposes the term ''CDC'' as an acronym for such Centers.

SEC. 527. DESIGNATION OF ARLEN SPECTER DEPARTMENT OF HEALTH AND HUMAN SERVICES. (a) IN GENERAL.—The National Library of Medicine building (building 38) at 8600 Rockville Pike, in Bethesda, Maryland, shall be known and designated as the ''Arlen Specter National Library of Medicine''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the building referred to in subsection (a) shall be deemed to be a reference to the Arlen Specter National Library of Medicine.

This Act may be cited as the ''Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2000''.

CONGRATULATING HENRY ''HANK'' AARON

Mr. CRAIG. Mr. President, I ask unanimous consent that the Senate now proceed to the immediate consideration of S. Res. 201, submitted earlier by Senators COVERDELL and CLELAND.

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

The legislative clerk read as follows:

A resolution (S. Res. 201) congratulating Henry ''Hank'' Aaron on the 25th anniversary of breaking the Major League Baseball career home run record established by Babe Ruth and recognizing him as one of the greatest baseball players of all time.

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

Mr. COVERDELL. Mr. President, I rise today to introduce a resolution commemorating one of the great heroes of American sport. Twenty-five years ago, Henry ''Hank'' Aaron broke one of baseball's most legendary records—the all time home run record set by George Herman ''Babe'' Ruth. In 1974 Hank Aaron hit his 715th career home run and forever etched his name in the annals of baseball history. But we should always remember that this record was only part of the story for an athlete whose impact on the game and society is still felt today.

From the time he first arrived in the major leagues with the Milwaukee Braves in 1954, Hank Aaron gained a reputation as one of the most feared hitters in the National League, prompting the rival Brooklyn Dodgers to quickly give him the nickname ''Bad Henry.'' In 1957 he led the Braves to the World Series and earned himself the League's Most Valuable Player Award.

Aaron continued his consistently outstanding play through the 1960s and was with the Braves when they moved from Milwaukee to Atlanta in 1966. During these years, Hank Aaron continued to lead the Braves' offense and began amassing an impressive number of home runs. By the early 1970s it was clear that Aaron was on the verge of breaking a record many thought was unreachable—Babe Ruth's record of 714 career home runs.

Despite numerous threats to himself and his family from those who did not want to see him break the record, Hank Aaron persevered and made the record his own on the evening of April 8, 1974 at Atlanta Stadium. He went on to finish his career with the Milwaukee Brewers and retired with an amazing total of 755 career home runs, along with a .305 lifetime batting average and 2,297 career runs batted in, also a major league record. He entered baseball's Hall of Fame in 1982, receiving one of the highest vote totals in the history of Hall of Fame balloting.

After his playing days were over, Aaron returned to the Braves and became a pivotal part of the team's front office staff as their vice president of player development. He continues to serve the Atlanta community through various charities, including his own Chasing the Dream Foundation, and as corporate vice president of community relations for Turner Broadcasting.

Few players have had as large an impact on their sport and the cities where they played. As one of baseball's first African-American stars, Hank Aaron withstood prejudice and bigotry and helped to create the modern integrated game where stars like Ken Griffey, Jr., Ramon Martinez, Brian Jordan and Sammy Sosa flourish. His calm, quiet, methodical style is a lasting example that actions always speak louder than words. The game of baseball and society as a whole owes a debt of gratitude to Henry Aaron, and this resolution will show the Senate's appreciation for the all-time home run king on the anniversary of his greatest achievement on the field.

Mr. CRAIG. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and any statements relating to the resolution be printed in the RECORD.

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

The resolution (S. Res. 201) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 201

Whereas Henry ''Hank'' Aaron hit a historic home run in 1974 to become the all-time Major League Baseball home run leader;

Whereas Henry ''Hank'' Aaron over the course of his career created a lasting legacy in the game of baseball and continues to contribute to society through his Chasing the Dream Foundation;

Whereas Henry ''Hank'' Aaron hit more than 40 home runs in 8 different seasons;

Whereas Henry ''Hank'' Aaron appeared in 20 All-Star games;

Whereas Henry ''Hank'' Aaron was elected to the National Baseball Hall of Fame in his first year of eligibility, receiving one of the highest vote totals (406 votes) in the history of National Baseball Hall of Fame voting;

Whereas Henry ''Hank'' Aaron was inducted into the National Baseball Hall of Fame on August 1, 1982;

Whereas Henry ''Hank'' Aaron finished his career in 1976 with 755 home runs, a lifetime batting average of .305, and 2,297 runs batted in;

Whereas Henry ''Hank'' Aaron taught us to follow our dreams;

Whereas Henry ''Hank'' Aaron continues to serve the community through his various commitments to charities and as corporate vice president of community relations for Turner Broadcasting;

Whereas Henry ''Hank'' Aaron became one of the first African-Americans in Major League Baseball upper management, as Atlanta's vice president of player development; and

Whereas Henry ''Hank'' Aaron is one of the greatest baseball players: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates Henry ''Hank'' Aaron on his great achievements in baseball and recognizes Henry ''Hank'' Aaron as one of the greatest professional baseball players of all time; and

(2) commends Henry ''Hank'' Aaron for his commitment to young people, earning him a permanent place in both sports history and American society.

ORDERS FOR WEDNESDAY, OCTOBER 13, 1999

Mr. CRAIG. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until the hour of 9:30 a.m. on Wednesday, October 13. I further ask unanimous consent that on Wednesday, immediately following the prayer, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate then resume debate on the conference report to accompany the Agriculture appropriations conference report as provided under the previous order.

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

PROGRAM

Mr. CRAIG. Mr. President, for the information of all Senators, the Senate will resume consideration of the Agriculture appropriations conference report at 9:30 a.m. By previous consent, there will be 6 hours of debate with a vote to occur at approximately 3:30

p.m., if all time is used. For the remainder of the day, the Senate will resume executive session to complete consideration of the Comprehensive Test Ban Treaty. There are approximately 3 hours remaining for debate. Therefore, the vote is expected to occur prior to the adjournment on Wednesday. Also prior to the adjournment, the Senate is expected to begin consideration of the campaign finance reform legislation or any conference reports available for action.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. CRAIG. Mr. President, if there is no further business to come before the Senate, I now ask unanimous consent the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 6:19 p.m., adjourned until Wednesday, October 13, 1999, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate October 12, 1999:

IN THE COAST GUARD

THE FOLLOWING NAMED OFFICER FOR PROMOTION TO THE GRADE INDICATED IN THE UNITED STATES COAST GUARD UNDER TITLE 14, U.S.C., SECTION 271:

To be captain

RICHARD B. GAINES, 0000

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADES INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be colonel

EDWIN C. SCHILLING III, 0000

To be lieutenant colonel

JOHN M. SMITH, 0000
CELINDA L. VAN MAREN, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE AIR FORCE UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

RONALD J. BOOMER, 0000

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be major general

BRIG. GEN. ANDERS B. AADLAND, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be major general

BRIG. GEN. JOHN T.D. CASEY, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be major general

BRIG. GEN. HANS A. VAN WINKLE, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

GARY A. BENFORD, 0000
STEPHEN L. DANNER, 0000
DAVID M. DEARMOND, 0000
DAVID N. DUNAGAN, 0000
DARREN G. OWENS, 0000
FRANCIS F. STROUSE, 0000
KENNETH A. YOUNKIN, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

DAVID A. COUCHMAN, 0000
TERRY J. DEJONG, 0000
WILLIAM N. DRAKE, JR., 0000
JAIME E. FUENTES, 0000
ROY C. GEDNEY, 0000
TALMON D. KUHNZ, 0000
CHARLES R. NESSMITH, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

REX H. CRAY, 0000
DANIEL J. DIRE, 0000
ALAN M. KOLLAR, 0000
RICHARD C. PERRY, 0000
ELDON P. REGUA, 0000
MARK C. RICKETTS, 0000
DAVID L. SHAKES, 0000
ARTHUR J. SIGSBURY, JR., 0000
LAWRENCE A. WEST, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY AND FOR REGULAR APPOINTMENT (IDENTIFIED BY AN ASTERISK(*)) UNDER TITLE 10, U.S.C., SECTIONS 624 AND 531:

To be major

*DAVID M. ABBINANTI, 0000
*JOSSLYN L. ABERLE, 0000
*MARY E. ABRAMS, 0000
ALFRED F. ABRAMSON III, 0000
*ARIEL P. ABUEL, 0000
WILLIAM E. ACHESON, 0000
JAMES E. ADAMS, JR., 0000
*SKIP ADAMS, 0000
ROBERT C. AGANS, JR., 0000
JOHN S. AGOR, 0000
JESUS AGUIRRE, 0000
ALBERT L. ALBA, 0000
*TIMOTHY P. ALBERS, 0000
*EDWARD J. ALCOCK, 0000
*NUNEZ E. ALCON, 0000
*MICHAEL T. ALEXANDER, 0000
NATHANAEL L. ALLEN, 0000
STEVEN L. ALLEN, 0000
*SAMUEL M. ALLMOND, 0000
JOHN C. ALLRED, 0000
*RAMIRO A. ALONSO, 0000
SCOTT R. ALPETER, 0000
EDWARD J. AMATO, 0000
*MICHAEL D. AMMONS, 0000
*GINA M. ANDERSON, 0000
JEFFERY A. ANDERSON, 0000
MATTHEW D. ANDERSON, 0000
PATRICK S. ANDERSON, 0000
*PETER K. ANDERSON, 0000
THOMAS J. ANDERSON, 0000
JOHN C. ANDONIE, 0000
*RICHARD P. ANDRISE, 0000
*BRUCE A. ARCHAMBAULT, JR., 0000
*EDWARD P. ARDREY, 0000
JOSEPH D. ARMSTRONG, 0000
SCOTT C. ARMSTRONG, 0000
CHARLES B. ARNETT III, 0000
JOE E. ARNOLD, JR., 0000
QUINTON J. ARNOLD, 0000
WARREN S. ARONSON, 0000
*MICHAEL A. ASCURA, 0000
BOBBY R. ATWELL, JR., 0000
*JOHN N. AUBE, 0000
*ROXANNE R. AUSTIN, 0000
*CARL W. AXELSON, 0000
CHRISTOPHER L. BABCOCK, 0000
*DONALD R. BACHLER, 0000
*VERNON J. BAHM, 0000
ROBERT L. BAILES, 0000
DAVID E. BAILEY, 0000
*WILLIAM E. BAILEY, 0000
WILLIAM J. BAILEY, 0000
CHRISTOPHER D. BAKER, 0000
SCOTT R. BAKER, 0000
*JEFFERY M. BALI, 0000
ANTONIO E. BANCHS, 0000
JEANNE E. BANKARD, 0000
WILLIE T. BANKS, JR., 0000
*CREIGHTON R. BARBER, 0000
JOHN C. BARBER, 0000
KEITH A. BARCLAY, 0000
*MICHAEL T. BARKETT, 0000
JAMES C. BARLOW, 0000
MICHAEL R. BARNARD, 0000
*BRENT E. BARNES, 0000
*ROBERT L. BARNES, JR., 0000
ROY W. BARNES, 0000
CHRISTOPHER J. BARRETT, 0000
*THOMAS D. BARRETT, 0000
NATHAN D. BARRICK, 0000
*ERIC A. BARTO, 0000
ROBERT L. BATEMAN III, 0000
JONATHAN R. BATTLE, 0000
*GREGORY BAULDRICK, 0000
DENNIS J. BAY, 0000
*FRANCIS M. BEAUDETTE, 0000
*PAUL J. BECKER, 0000
*STANLEY H. BECKFORD, 0000
GREGORY P. BEDROSIAN, 0000
DARREN W. BEHM, 0000
*CARL M. BELGRAVE, 0000
GEORGE S. BELIN, 0000
MICHAEL J. BELL, 0000
RUTH BELLERIVE, 0000
TIMOTHY E. BELLON, 0000
SCOTT R. BEMIS, 0000
*GREGORY BENDEWALD, 0000
KENNETH W. BENIGNO, 0000
AMY E. BENNETT, 0000
ARNOLD A. BENNETT II, 0000
JAMES T. BENSON, 0000
DAVID C. BERG, 0000
*SHAWN M. BERGQUIST, 0000
*NICHOLAS O. BERNHARDT, 0000
SCOTT J. BERTINETTI, 0000
*JAMES A. BEST, 0000
*JEFFREY A. BHE, 0000
*HOWARD R. BIDDLE, 0000
*THOMAS W. BIGGERSTAFF, 0000
JUDE P. BILAFER, 0000
MICHAEL E BILVAIS, 0000
JOHN E. BIRCHER IV, 0000
RALPH T. BLACKBURN, 0000
MICHAEL BLAHOVEC, 0000
*ERIC W. BLAIR, 0000
PATRICK E. BLAIR, 0000
TIMOTHY D. BLAIR, 0000
DENNIS W. BLAKER, 0000
*SCOTT R. BLEICHWEHL, 0000
LISA M. BLESKE, 0000
BRIAN G. BLEW, 0000
EVERRETT T. BLOCKER, 0000
GARY E. BLOOMBERG, 0000
*TIMOTHY J. BOCK, 0000
SCOTT A. BODINE, 0000
SHANNON L. BOEHM, 0000
RICHARD J. BOEHNING, 0000
*TIMOTHY J. BOEMECKE, 0000
EDWARD T. BOHNEMANN, 0000
GILLIAN S. BOICE, 0000
MAURICE F. BOLDUC, JR., 0000
JOSEPH E. BOLTON, 0000
DOUGLAS A. BOLTUC, 0000
*PATRICK BOND, 0000
EDWARD M. BONFOEY III, 0000
JAMES P. BOOTH, 0000
ERIK B. BORGESON, 0000
KARL W. BORJES, 0000
DWAINE K. BOTELER, 0000
*DANIEL A. BOWMAN, 0000
TERRELL C. BOYD, 0000
*ANTHONY C. BOZEMAN, 0000
ROBERT G. BOZIC, 0000
SHARON L. BRADY, 0000
*BRADLEY K. BRAGG, 0000
BRIAN M. BRANDT, 0000
JAMES T. BRASWELL, 0000
*PHILLIP A. BRATTON, SR., 0000
*GENE A. BRAVENEC, JR., 0000
*JOSEPH M. BRAY, 0000
ROBERT D. BREM, 0000
EDWARD T. BRESLOW, 0000
*KEVIN W. BREUERS, 0000
*BARNEY D. BREWINGTON, 0000
WILLIS D. BRICE, 0000
*DAVID E. BRIGHAM, 0000
*DAVID R. BRIGHAM, 0000
*HOWARD M. BRINKMAN, 0000
GREGORY J. BROECKER, 0000
JOHANNES BRONDUM, 0000
*WILLIAM T. BROOKS, 0000
*DANIEL D. BROPHY, 0000
AARON M. BROWN, 0000
*ANTONIO BROWN, 0000
*AUZZIE K. BROWN, 0000
CHRISTOPHER L. BROWN, 0000
*JOSEPH P. BROWN, 0000
*LESLIE F. BROWN, 0000
*RENE BROWN, 0000
*TRACY BROWN, 0000
*VICTOR S. BROWN, 0000
*WALTON M. BROWN, 0000
WILLIAM I. BROWN, 0000
*JAMES J. BRUHA, 0000
*RYAN A. BRUNK, 0000
XAVIER T. BRUNSON, 0000
*DERRICK B. BRYANT, 0000
JAMES A. BRYANT, 0000
*JAMES B. BRYANT, 0000
*TONYA R. BRYANT, 0000
HEATHER L. BRYN, 0000
*SCOTT A. BRYSON, 0000
*GLEN J. BUCHERT, 0000
JEFFREY S. BUCZKOWSKI, 0000
MARK S. BUEHLMAN, 0000
*HAROLD A. BUHL, JR., 0000
*JOHN J. BURBANK, 0000
ANTHONY P. BURGESS, 0000
*CHRISTOPHER T. BURGESS, 0000
*DANIEL S. BURGESS, 0000
JOHN E. BURGESS, 0000
EMMETT E. BURKE, 0000
*MICHELLE BURKHART, 0000
JONATHAN M. BURNS, 0000
TODD W. BURNS, 0000
*MAURENE F. BURROUGHS, 0000
WILLIAM L. BURRUSS III, 0000
*BRENT D. BUSH, 0000
MICHAEL J BUSH, 0000
TIMOTHY W. BUSH, 0000
*MICHAEL P. BUSTEED, 0000
*DAVIS L. BUTLER, 0000
JEFFREY A. BUTLER, 0000
KELLY B. BUTLER, 0000
RODNEY S. BUTLER, 0000
*ROBERT M. BUTTS, 0000
*JOSEPH M. BYERS, 0000
KEITH BYRD, 0000
*THOMAS H. BYRD, 0000
MATTHEW P. CADICAMO, 0000
*RONNIE K. CAIN, 0000
*TODD R. CALDERWOOD, 0000
MARK T. CALHOUN, 0000
STEVEN C. CALHOUN, 0000
*PATRICK M. CALLAHAN, 0000
*TIMOTHY J. CALLAHAN, 0000
*ERICH G. CAMPBELL, 0000
SHANA J. CAMPBELL, 0000
STEPHEN A. CAPPS, 0000
*SHAWN J. CARDELLA, 0000
MARK B. CARHART, 0000
THOMAS H. CARLISLE, 0000
HORACE R. CARNEY III, 0000

RICHARD T. CARNEY, 0000
*JEFFREY L. CARPENTER, 0000
*DONALD L. CARR, 0000
JAY T. CARR, 0000
MATTHEW R. CARRAN, 0000
KELLY M. CARRIGG, 0000
*DAVID D. CARTER, 0000
KENNETH R. CASEY, 0000
ROGER A. CASILLAS II, 0000
*TIMOTHY P. CASSIBRY, 0000
*HAROLD P. CATES, 0000
ROGER F. CAVAZOS, 0000
CHARLES E. CHADBOURNE, 0000
*JOHN P. CHADBOURNE, 0000
TIMOTHY A. CHAFOS, 0000
*KIM A. CHANEY, 0000
*BRYAN K. CHAPMAN, 0000
*DAVID K. CHAPMAN, 0000
JANET L. CHAPMAN, 0000
*CARLTON S. CHAPPELL, 0000
JAMES F. CHAPPLE, 0000
*CURTIS CHARLESTON, 0000
*ANTHONY R. CHAVEZ, 0000
*CHRISTOPHER K. CHESNEY, 0000
*DAVID W. CHESTERMAN, 0000
RONALD CHILDRESS, JR., 0000
RICHARD A. CHISM, 0000
SONG S. CHOI, 0000
*KIP M. CHOJNACKI, 0000
JAMES K. CHOUNG, 0000
KEVIN J. CHRISTENSEN, 0000
*DAVID A. CHRISTIE, 0000
JENNIFER C. CHRONIS, 0000
JEFFREY D. CHURCH, 0000
JOHN E. CLADY II, 0000
CHADWICK W. CLARK, 0000
JAMES L. CLARK, 0000
*JOSEPH M. CLARK, 0000
*WILLIAM J. CLARK, 0000
ALAN B. CLAYTON, 0000
ANDREW T. CLEMENTS, 0000
CHARLES H. CLEVELAND, 0000
*KEVIN M. COAKLEY, 0000
*MICHAEL J. COBB, 0000
CHARLES COBBS III, 0000
*DANIEL D. COCKERHAM, 0000
TONY COE, 0000
*DAVID S. COFFEY, 0000
*DWAYNE M. COFFMAN, 0000
BRIAN COLE, 0000
WALTER P. COLE, 0000
*JOSEPH P. COLEBAUGH, 0000
RAYMOND K. COMPTON, 0000
DARIN S. CONKRIGHT, 0000
JAMES W. CONRAD, JR., 0000
GREGORY J. CONTI, 0000
JOHN A. CONWAY, 0000
JOHN P. CONWAY, 0000
MICHAEL J. CONWAY, 0000
*JOHNNY COOK, 0000
PAUL J. COOK, 0000
STEVEN A. COOK, 0000
TERRY P. COOK, 0000
*JEFFREY R. COOPER, 0000
BRIAN K. COPPERSMITH, 0000
*JAMES M. CORCORAN, 0000
*JOSEPH R. CORLETO, 0000
*REGINALD W. COTTON, 0000
*SUSAN L. COVELL, 0000
CLEMENT S. COWARD, JR., 0000
BRIAN M. COX, 0000
RICHARD D. CREED, JR., 0000
*STEVEN L. CREIGHTON, 0000
PHILIPPE J. CRETTOL, 0000
JAMES R. CRIDER, 0000
RICARDO CRISTOBAL, 0000
*JOHN M. CROSBY, 0000
JOEL R. CROSS, 0000
*DENNIS V. CRUMLEY, 0000
*JOHN B. CRUMP, 0000
PHILLIP R. CUCCIA, 0000
DIANE T. CUMMINSLEFLER, 0000
*JOHN S. CUNNINGHAM, 0000
*JOHN F. CURLEY, 0000
*ROBERT W. CURRAN, 0000
STEPHAN J. CURRENCE, 0000
TODD V. CURTIS, 0000
GREGORY A. DADDIS, 0000
*GERALD M. DAILEY, 0000
*PATRICK J. DAILEY, 0000
*GERALD N. DAMRON, 0000
*ALIRA L. DANAHER, 0000
*TIMOTHY E. DANAHER, 0000
BRUCE O. DANIEL, 0000
*PATRICK L. DANIEL, JR., 0000
*JAMES L. DANIELS, 0000
MARTIN J. DANNATT, 0000
DAVID S. DANNER, 0000
STEPHEN A. DANNER, 0000
CHRISTOPHER D. DARE, 0000
*LOREN J. DARMOFAL, 0000
*MICHAEL R. DARROW, 0000
DOUGLAS D. DATKA, 0000
KIMBERLY J. DAUB, 0000
TROY A. DAUGHERTY, 0000
MICHAEL N. DAVEY, 0000
*JOSEPH D. DAVIDSON, 0000
*GERALD R. DAVIS, JR., 0000
JENNY W. DAVIS, 0000
THOMAS A. DAVIS, 0000
DARRELL K. DAY, 0000
*THOMAS A. DEAKINS, 0000
*MARK M. DEAN, 0000
*CHARLES P. DEASE, 0000
BRANDT H. DECK, 0000
JOHN D. DECK, 0000
JERRY W. DEJARNETT, 0000
JAMES P. DELANEY, 0000
*JOSE R. DELGADO, 0000
*WILLIAM DELGADO, 0000
DAVID L. DELLINGER, 0000
DAVID B. DELMONTE, 0000
RICHARD A. DELUDE II, 0000
RICHARD A. DEMAREE, 0000
ANTHONY G. DEMARTINO, 0000
MICHAEL J. DEMPSEY, 0000
KEVIN M. DEREMER, 0000
STEPHAN A. DEVILLE, 0000
*GUY M. DEWEES, 0000
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MARK A. DICKSON, 0000
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MANUEL C. DIWA, 0000
ALAN M. DODD, 0000
ANDREW D. DOEHRING, 0000
WADE R. DOENGES, 0000
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DONNA M. DORMINEY, 0000
*JOHN F. DOWNEY, 0000
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*MARLEAN C. DRUCE, 0000
*JEFFREY W. DRUSHAL, 0000
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*THOMAS H. DUFFY, 0000
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*RODNEY A. DUNHAM, 0000
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JOHN F. DUNLEAVY, 0000
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*JOSEPH P. DUPONT, 0000
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RONALD D. EDWARDS, 0000
MARGARET J. EGAN, 0000
*CHARLES B. ELDREDGE, 0000
MARK B. ELFENDAHL, 0000
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*ROBERT A. ELMORE, 0000
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*RICKY N. EMERSON, 0000
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MATTHEW L. ENGLAND, 0000
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*DAREN A. EPSTEIN, 0000
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VICTOR FIGUEROACOLON, 0000
PAUL J. FINKEN, 0000
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NATALIE E. FINLEY, 0000
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KEITH A. FLAIL, 0000
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PETER C. FOWLER, 0000
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ALFRED E. FRANCIS, 0000
*GREGORY C. FRANKS, 0000
ANDREW W. FRASER, JR., 0000
*PAUL H. FREDENBURGH, 0000
*IVORY M. FREEMAN, 0000
*REBECCA M. FREEZE, 0000
MICHAEL G. FREIBURGER, 0000
*OTIS C. FRENCH, JR., 0000
JOELLE C. FROHBIETER, 0000
*ANTHONY M. FUNCHESS, 0000
TOD C. FURTADO, 0000
NORMAN H. FUSS III, 0000
*ROSS V. GAGLIANO, 0000
*JEAN R. GAIENNIE, JR., 0000
PAUL B. GALE II, 0000
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*MARIA G. GOINS, 0000
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STUART P. GOLDSMITH, 0000
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*JOE L. HART, JR., 0000
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*DAVID A. HATER, 0000
*RANDOLPH G. HAUFE, 0000
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*VINCENT D. HUNTER, 0000
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*TERRY L. HURLEY, 0000
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*PETER S. IM, 0000
*JOSEPH M. IMORDE, JR., 0000
*JERRY L. IVESTER, 0000
*TERRY A. IVESTER, 0000
ROBERT G. IVY, 0000
*FELICIA L. JACKSON, 0000
*HUGO JACKSON, 0000
MARK A. JACKSON, 0000
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*RENE JACKSON, JR., 0000
*TONIE D. JACKSON, 0000
*VALERIE D. JACKSON, 0000
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*JACQUELIN JACOCKSCREVECOEUR, 0000
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VERNON L. JAMISON, 0000
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RICKY R. JEFFERSON, 0000
BRETT C. JENKINSON, 0000
*RAYMOND P. JENSEN, JR., 0000
*LAFONDA F. JERNIGAN, 0000
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MARK M. KARAS, 0000
BRYAN F. KARINSHAK, 0000
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*NICHOLAS W. KATERS, 0000
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*AUSTIN KEATON, JR., 0000
*SEAN A. KEENAN, 0000
*TIMOTHY F. KEHOE, 0000
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RONALD L. KELLAR, 0000
LISA M. KELLER, 0000
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*TODD E. KEY, 0000
JUSTIN E. KIDD, 0000
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HAIMES A. KILGORE, 0000
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*DAVID T. KIM, 0000
JOHN S. KIM, 0000
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MERRELL D. KNIGHT, JR., 0000
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BERNARD F. KOELSCH, 0000
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CAMERON A. KRAMER, 0000
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JOSEPH G. KREBS, JR., 0000
TROY D. KRINGS, 0000
*DUANE L. KRISTENSEN, 0000
*MATTHEW KRISTOFF, 0000
*ERIC J. KRUGER, 0000
*MARK A. KRZECZOWSKI, 0000
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JONATHAN D. LAU, 0000
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KYLE E. LEAR, 0000
DONALD W. LEATH, 0000
EMORY B. LEATHERMAN IV, 0000
WILLIAM M. LEDBETTER, 0000
SIOBAN J. LEDWITH, 0000
ERNEST C. LEE, 0000
MARC A. LEE, 0000
RICHARD D. LEE, JR., 0000
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*GUY A. LEMIRE, 0000
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ANDREW J. LIPPERT, 0000
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*JONATHAN D. LONG, 0000
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ARTUR M. LOUREIRO, 0000
CHRISTOPHER J. LOVE, 0000
*NICOLAS J. LOVELACE, 0000
*JOHN M. LOWE, 0000
PETER P. LOZIS III, 0000
ALEX P. LUCAS III, 0000
*WILLIAM A. LUKASKIEWICZ, 0000
MARK D. LUKER, 0000
*SON H. LUU, 0000
MICHAEL R. LWIN, 0000
*TRENTON J. LYKES, 0000
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MICHAEL J. MAMMAY, 0000
STEPHEN C. MANNELL, JR., 0000
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*BENJAMIN M. MATTHEWS, 0000
JOHN C. MATTHEWS, 0000
WILLIAM B. MATTHEWS, 0000
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ANGELA E. MAXNER, 0000
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DARIEL D. MAYFIELD, 0000
FERNANDO J. MAYMI, 0000
KEVIN M. MCALLISTER, 0000
*WILLIAM MCCLOSKEY, 0000
*DENISE I. MCCLURE, 0000
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CHAD A. MCGOUGAN, 0000
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DENNIS S. MCKEAN, 0000
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CORY A. MENDENHALL, 0000
*ROBERT L. MENTI, 0000
GENE D. MEREDITH, 0000
MARK L. MERRELL, 0000

JOHN W. MERRIHEW, 0000
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MANUEL A. MONTALVOCASABLANCA, 0000
ARMIDA MONTEMAYOR, 0000
RICHARD D. MONTIETH II, 0000
*ROBERT P. MOONEY, JR., 0000
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JAMES S. MOORE, JR., 0000
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*PETER R. MOORE, 0000
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*MICHAEL J. MURPHY, 0000
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ANGELA M. ODOM, 0000
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*CARMEN M. REYESAGUAYO, 0000
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*SAMUEL L. RUSSELL, 0000
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LEE A. RYSEWYK, 0000
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MICHAEL J. SALUTO, 0000
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*STEVEN R. SAMUELSON, 0000
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*RODERICK D. SANCHEZ, 0000
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*CRAIG T. SNOW, 0000
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*EUGENE SNYMAN, 0000
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*JAMES H. SOOS, 0000
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*KEITH J. SYLVIA, 0000
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*HORATIO S. TAVEAU, 0000
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*RICHARD THEWES, JR., 0000
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*GLENN A. TOLLE, 0000
*JAMES K. TRAVER, 0000
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*BONITA E. TROTMANARTIS, 0000
*DAVID A. TROUTMAN, 0000
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*ROBERT W. TURK, 0000
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*EDWARD T. UTZ, 0000
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JOHN A. VERDUGO III, 0000
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*ALFREDO VERSOZA, 0000
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*DANIEL WHALEN, 0000
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*DARIUS M. WHITE, 0000
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*RONALD P. WILMES, 0000
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RICKY L. YOST, 0000
LELAND O. YOUNG, 0000
*STANLEY YOUNG, 0000
MICHAEL YUSCHAK, 0000
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KARL D. ZETMEIR, 0000
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PETER J. ZIOMEK, 0000
*MICHAEL P. ZRIMM, JR., 0000
MARTIN A. ZYBURA, 0000
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IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

To be Colonel

FREDRIC M. OLSON, 0000

EXTENSIONS OF REMARKS

WORKING FAMILIES NEED HEALTH PLANS THAT WORK

HON. SAM GEJDENSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 12, 1999

Mr. GEJDENSON. Mr. Speaker, at long last, the House of Representatives has passed legislation to inject some accountability into the managed care industry. Serious debate to reform health care in this country was long overdue. We could no longer wait for another person to die from lack of care or another doctor to be reprimanded by an HMO for discussing all available treatment options with a patient before taking steps towards change.

Right now, we have a system where HMOs make more money when they deliver less care. To stop the abuses that HMOs inflict on their patients and to make health care more affordable, we have to ensure that patients and their doctors, not accountants, have control of the health care system. That is why it was so important to pass the Patient's Bill of Rights. This bipartisan legislation, which I supported, remedies a number of the problems with an HMO system that currently values profits over patient care.

Access to medically needed care, including access to emergency rooms and specialists, is a fundamental element of the Patient's Bill of Rights. This legislation will also ban gag rules on physicians and end some HMOs' practice of offering financial incentives to withhold necessary treatment. This bill will guarantee timely internal appeals, as well as an independent external appeals process, when plans deny care. Finally, the Patient's Bill of Rights holds plans legally accountable when their profit-drive decisions result in serious injury or death. People need real ways to hold HMOs responsible.

Unlike the Patient's Bill of Rights, the Republican substitutes prohibit patients from suing HMOs when care is improperly denied. In too many instances, courts are the only advocate that consumers have in their battles with multi-billion dollar companies. The health insurance industry, which makes $952 billion a year, does not need protection from lawsuits. When one of your family members dies because an HMO denies access to proper care, the Republican substitutes' only recourse is an external appeal—that's too little, too late. No other industry enjoys such a powerful, Congressionally-mandated shield from liability for their negligence. By rejecting the Republican substitutes, Congress demonstrated that it's time to remove protections for health plans and focus on providing more protections for patients.

We must create a better system for everyone who gives or receives health care in this country. The people who make America work deserve health plans that work for them and their families. By passing the Patient's Bill of Rights, we have taken our first step towards real reform.

TRIBUTE TO FRANK E. FIORILLI UPON RETIREMENT FROM CECOM, FORT MONMOUTH

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 12, 1999

Mr. PALLONE. Mr. Speaker, I want to recognize the achievements and contributions of Mr. Frank E. Fiorilli, Deputy for Business and Strategic Planning for the Army's Communications-Electronics Command (CECOM) at Fort Monmouth, NJ.

Mr. Fiorilli is retiring after 34 years and a luncheon in his honor will be held on October 27. This will be a special occasion for a very special individual—one of those talented civil service managers in whom we invest our faith and trust to successfully carry out an important national security responsibility.

Mr. Fiorilli began his distinguished career as a presidential intern in 1965. Born in Newark, NJ, he received a bachelors degree cum laude from Rutgers in 1965. He has been serving his country ever since.

The principal function of CECOM at Fort Monmouth is to ensure that our soldiers in the field have advanced communications equipment that will protect them and contribute to the success of their battlefield mission. We have been fortunate over the years to have, at Fort Monmouth, highly skilled engineers and other professionals who develop and procure this equipment—a critical component of our military's worldwide success.

Frank Fiorilli has established the foundation for the Army to adequately and properly provide advanced communications equipment for the ''Army After Next.'' He has done this with a combination of creativity and organizational skill that we should honor and encourage in all our senior Federal managers. I congratulate Mr. Fiorilli and wish him a well-deserved and fulfilling retirement.

TRIBUTE TO DR. D. JAMES KENNEDY, A TRUE CHRISTIAN STATESMAN

HON. WALTER B. JONES

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 12, 1999

Mr. JONES of North Carolina. Mr. Speaker, it is clear when reading both the Declaration of Independence and the Constitution of the United States, that our Founding Fathers recognized the important role that God and the Bible would play in guiding our Nation's leaders who governed the world. Today, it is becoming clear that the Judeo-Christian principles this nation was founded upon are as critical to the future progress and stability of this nation as they have been in the past. In fact, the 18th President of the United States, Ulysses S. Grant, emphasized the important relationship between the Bible and the freedom that you and I enjoy today. He said, (and I quote) ''Hold fast to the Bible as the sheet anchor of your liberties; write its precepts on your heart and practice them in your lives. To the influence of this Book we are indebted for the progress made, and to this we must look as our guide in the future.''

Mr. Speaker, there is a man of Christian faith, a leader within our society today who is working to remind you and I to keep this same spirit of faith and freedom alive. That man is Dr. D. James Kennedy, a true Christian statesman. Mr. Speaker, when I was elected in 1994 to represent the citizens of Eastern North Carolina, Dr. Kennedy presented every newly elected Member with a copy of the New Geneva study Bible. In the front cover is a note stating his hope that we would read and apply the messages we found in the scripture to our work and our daily lives—just as Ulysses Grant proposed. Mr. Speaker, I begin and end each day on my knees in prayer. I pray for guidance in the decisions I make that affect the American people. In the last 5 years, I have often reached for the Bible that Dr. Kennedy gave to me for inspiration, encouragement, and a sense of hope.

Mr. Speaker, Dr. Kennedy embodies the ideal of Christian statesmanship. In fact, he has dedicated his life to celebrate and share God's word. In 1959, he became the founding pastor of the Coral Ridge Presbyterian Church in Florida. This year, as the church celebrates its 40th anniversary, Dr. Kennedy is the most widely listened-to Presbyterian minister in the world. His broadcast messages are televised to 35,000 cities and towns across the United States. But Dr. Kennedy's commitment to evangelism and strengthening our nation's communities extends well beyond his role as senior minister to Coral Ridge Church. In 1962, he created a lay-witnessing program called Evangelism Explosion International, which is used in every nation to encourage growth in congregations around the world.

Dr. Kennedy also founded the Westminster Academy in 1971 to provide quality Christian education for the citizens of Fort Lauderdale, Florida. In addition, he started Knox Theological Seminary in 1990, which now offers courses in the United States as well as in Seoul, Korea. Mr. Speaker, last fall I had the unique opportunity to participate and see first hand, Dr. Kennedy's efforts to encourage and motivate people of faith. Coral Ridge Ministries is the television and radio outreach of Dr. Kennedy's word, which this year celebrates its 25th anniversary. One of the television programs his ministry airs is called ''The Power of One.'' The program recognizes individuals in our Nation's communities who are working to promote Christian values. One such person is Rebecca Mason, a 10-year old girl from the Third District of North Carolina, which I am proud to represent. Rebecca became frustrated with the state of our country after learning some frightening facts about the rate of crime and violence in our Nation's neighborhoods. Rebecca could not understand why

more people of faith were not taking action, so she decided to do something about it. She created a petition for Christian values, calling upon all Americans to stand up and take action to promote and preserve the morals and values we learn from the Bible. Rebecca's efforts were featured on Dr. Kennedy's ''Power of One'' program. As a man of strong religious conviction myself and as Rebecca's Congressman, I was asked to participate in the program. It was an honor for me to be part of a television program that recognizes the citizens who are taking action to make their communities and their nation stronger. In fact, it reminded me of one of my favorite Bible verses from Isaiah book 6, verse 8. It says, ''Also I heard the voice of the Lord, saying Whom shall I send, and who will go for us? Then said I, Here am I; send me.''

Mr. Speaker, Dr. Kennedy, like Rebecca Mason, has answered God's call, and he has devoted his life to serving as a messenger of God's word. Today, I am proud to recognize his efforts during this exciting year of celebration to show my respect for his devotion and his commitment to spread the message of hope to all America. Thank you Dr. Kennedy, for reminding those of us who serve the American people—and all citizens—that faith and freedom go hand in hand. Happy anniversary. May God continue to Bless you and give you the strength to continue sharing His message with the world.

100TH ANNIVERSARY OF THE GHENT BAND

HON. JOHN E. SWEENEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 12, 1999

Mr. SWEENEY. Mr. Speaker, I rise to congratulate Ghent Band on their 100th anniversary in entertaining the communities of Columbia County, located in the heart of the 22nd Congressional District, which I proudly represent.

Founded in 1899 by 15 members, the Ghent Band continues to make history while other bands in New York have become history. Inspired by nationally touring bands like John Philip Sousa, the original 15 members gathered old, second hand instruments and began rehearsing weekly at the Old Ghent School House. To this day, the band plays on, serving as Columbia County's only full-fledged village band.

Mr. Speaker, for a full century the Ghent Band's music has filled the hearts of the young and old, creating lasting memories at the many parades and concerts at which they play. The Ghent Band holds a special place in my own heart as they were present at the inauguration celebrating my swearing in to the House of Representatives.

Given the diversity of age and background of the band's members, as well as their strong ties to the local community, I have no doubt that the Ghent Band will continue on for an additional 100 years.

Mr. Speaker, the Ghent Band is America at its best, representing all that is good in this nation. I wish its members and their families the best as they celebrate 100 years of serving and entertaining the Village of Ghent.

BIPARTISAN CONSENSUS MANAGED CARE IMPROVEMENT ACT OF 1999

SPEECH OF

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 6, 1999

Mr. GILMAN. Mr. Speaker, I rise today in support of H.R. 2723, the bipartisan consensus Managed Care Improvement Act. This important piece of legislation is long overdue and I am pleased to be a cosponsor of this bipartisan bill that will reform the managed care industry. I commend Mr. NORWOOD and Mr. DINGELL for their diligent work and determination in bringing this bill to the floor today and the House leadership for scheduling debate on this bill.

H.R. 2723, will bring about necessary changes to the managed care industry by bringing the attention of HMOs back to the needs of the American public. For too long, these insurance companies have been driven by profits and have lost sight of their true responsibility, to provide a quality service to those Americans who pay for insurance each month. All too often we hear stories from our constituents who have had numerous conflicts with their insurance companies, ranging from denial of coverage for preventative procedures and medically necessary treatments to denial of reimbursement for trips to emergency rooms and specialists. Americans pay their monthly premiums and expect that if the time comes when they need to seek out medical assistance, they should not have to worry about whether or not their HMO is going to oppose the necessity of their visit to a doctor.

Americans should be able to see specialists such as a cardiologist or oncologist without obtaining a referral from their primary physician, a chore which merely takes up time, time that may be better served by immediately seeing a specialist. Moreover, women should have direct access to their obstetrician-gynecologist and parents should have the option to select a pediatrician as their child's primary physician. Under current guidelines, this is not an option. However, these issues would be addressed by the passage of H.R. 2723.

The major concern that has been brought to my attention by my constituents has been the issue of employer liability. I am gratified that this bill contains a self-executing managers amendment that will directly address this concern. With the passage of H.R. 2723, language will be implemented which clearly states that an employer can not be held liable unless they are making medical decisions. An employer can provide health care coverage for their employees and set the parameters of that coverage with the knowledge that they will not be sued by an employee should the HMO make a negligible medical decision that results in injury or death.

The intent of this legislation is to make managed care coverage more user friendly. To provide the necessary information to policyholders up front so that the frequency of injuries and deaths due to negligent decisions by the HMO decreases. However, there will be times when an HMO fails to provide coverage for services that a policy holder is entitled to. It is for these cases, that the individual has the ability to hold the HMO accountable for its negligent decisions. In cases of personal injury or death, the individual deserves the right to sue the insurance company and hold them financially responsible for their irresponsible decisions. It is for this reason that I strongly support the liability portion of this bill.

I am confident that by requiring health plans to disclose information to policyholders regarding coverage of benefits, doctors, facilities, and claim procedures, the need to proceed to a judicial solution should not occur as often as opponents of this bill insist.

Accordingly, I urge my colleagues to stand up and fight for the rights of the American public and to support passage of this legislation.

VETERANS AFFAIRS MEDICAL CENTER IN GRAND JUNCTION, COLORADO HONORED

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 12, 1999

Mr. MCINNIS. Mr. Speaker, I would like to take a moment to honor not one individual but a team who has dedicated their time, effort, and care into making the smallest VA hospital in the Country, the best. The employees of the Grand Junction VA hospital have changed health care in this country as we know it. Their unparalleled care for the patient has won them the Department of Veterans Affairs highest honor.

The Robert W. Carey Quality Award trophy is given to one facility each year to recognize organizational effectiveness and performance through quality management. It was the first time that the hospital submitted the entry form which was fifty pages long and took five months to process. The employees of the Grand Junction VA hospital patiently waited to hear back while a Department of Veteran Affairs panel reviewed applications. Soon after a panel visit to the hospital and a final ranking decision by a panel of outside judges, they were chosen for the award.

The basis for their winning the award are numerous and well founded. Among them, their work in the revolutionary, primary-care approach to health care that began in 1988. They call it a ''virtual circle of care'' in which patients see the same physician, nurse, clerk, and social worker each time they visit the hospital. This allows for more personalized care which pays off on a large scale. Health care providers become familiar with the patients they see, therefore providing outstanding, personalized service to them. Also recognized was their work on the Disabled Veterans Winter Sports Clinic, which brings veterans to Crested Butte every weekend.

In addition to these accolades, Mr. Speaker, I would like to add a few final highlights. The administration's attention to the needs of the employee is another facet that makes this hospital so exceptional. They are constantly looking for ways to improve, including their anonymous e-mail system that allows employees to voice any concerns they might have or suggest any improvements they see necessary. Their volunteer program has also grown tremendously. People are getting involved to make a difference and they have.

It is with this, Mr. Speaker, that I honor this institution, on behalf of the people of Western

Colorado, for their accomplishments in the health care of our nation's veterans and say thank you for their care and hard work.

TRIBUTE TO FRANK FARRELL

HON. JAMES P. McGOVERN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 12, 1999

Mr. McGOVERN. Mr. Speaker, I rise today to pay tribute to one of Massachusetts' finest leaders, Frank Farrell. Frank is retiring this year after many years as President of the Worcester/Framingham Central Labor Council. I know that thousands of working families throughout Central Massachusetts join me in thanking Frank Farrell for his years of hard work and dedication.

Since 1955, when he was hired as a quality control inspector at Olson Manufacturing in Worcester, Frank Farrell has been a member of the United Steelworkers of America. He has very active in his local union and rose to its presidency in 1965.

He has also been active in the Worcester/Framingham Central Labor Council, and was elected as its president in 1970—a post he has held for the last 20 years. For those 20 years Frank has fought the good fight—he has stood shoulder-to-shoulder with the men and women in organized labor and their families. He has advocated for better wages, better health care, better retirement and better working conditions. Central Massachusetts is a better and safer place to work today because of the hard work put in by Frank Farrell.

Again, Mr. Speaker, I want to pay tribute to Frank; his wife Jan; their 3 children Frank III, Steven and Lisa; and their two grandchildren Bernard and Meressa. I wish them best wishes for a happy and healthy retirement. No one deserves it more.

CYPRUS PEACE TALKS

HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 12, 1999

Mr. ANDREWS. Mr. Speaker, I rise today to congratulate President Clinton and Turkish Prime Minister Bulent Ecevit on the significant progress made on the subject of Cyrpus during their recent talks in Washington.

I have always felt that Cyprus presents an exceptional opportunity for the United States to facilitate a successful solution because a settlement on this island is within reach. Cyprus is small in size and population, has clearly discreet borders as an island nation, and the international community is committed to the removal of Turkish forces and return of Cypriot sovereignty. Many United Nations and United States Congressional resolutions have been passed over the years expressing the internal community's and United States' commitment to a just and peaceful resolution to this conflict. Failure to secure a solution in Cyprus would undermine international law and UN resolutions, as well as contradicting official U.S. foreign policy, and our national interest in deterring aggressor states.

Failure to solve this problem also bolsters the false notion that ethnic conflicts are unsolvable and that their use as a pretext for international aggression is acceptable. However, over the past decade in Northern Ireland, in the Middle East, and in the former Yugoslavia, have proven that the international community, led by the United States, can and should negotiate and work for peace and an end to ethnic division and conflict.

Late last year, I urged President Clinton to get personally involved in resolving the Cyprus conflict by sending a special envoy, as he did in the Middle East and Northern Ireland. This past summer, I also asked the new Turkish Prime Minister to accept such an offer. I am extremely gratified by recent reports that these events have indeed taken place.

During their recent talks in Washington, Prime Minister Ecevit accepted President Clinton's offer to dispatch a special envoy to work toward a settlement of this quarter-century-old dispute. Indeed, special envoy Al Moses has already been appointed and soon will be beginning his work in this troubled region.

Again, I applaud the leadership of both President Clinton and Prime Minister Ecevit. The time has come for all efforts to be dedicated to resolving the abhorrent injustice of the division of Cyprus. We must all now redouble our efforts to bring peace and justice to the Mediterranean.

IN HONOR OF THE TEMPLE-TIFERETH ISRAEL ON THEIR 150TH ANNIVERSARY

HON. DENNIS J. KUCINICH

OF OHIO

HON. STEPHANIE TUBBS JONES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 12, 1999

Mr. KUCINICH. Mr. Speaker, I rise today to honor the 150th anniversary of The Temple-Tifereth Israel in Cleveland, OH. The Temple begins its year long celebration on Friday, October 15, 1999 with a Shabbat service and reception. This surely will be a historic occasion for the Temple members.

Just 11 years after the first Jewish settlers came to Cleveland, The Temple-Tifereth Israel was founded. In the past 150 years The Temple has been a cornerstone of the Jewish community in the Greater Cleveland Area. Rabbis with extraordinary vision and leadership and members with great commitment and activism have guided The Temple throughout its 150 years. The Temple has developed a flourishing religious school, passing on the traditions of the study of Torah and mitzvah to countless children, and currently boasts a membership of 1,600 families.

Organizations like The Temple-Tifereth Israel must be applauded and recognized for passing on traditions to so many generations of Ohioans. It is not often that organizations can last as long as The Temple, let alone thrive as has been the case for The Temple.

I urge my fellow colleagues to please join me in recognizing the dedication and faith of the families of The Temple-Tifereth Israel as they celebrate 150 years of service in the Greater Cleveland Area.

BIPARTISAN CONSENSUS MANAGED CARE IMPROVEMENT ACT OF 1999

SPEECH OF

HON. DENNIS MOORE

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 6, 1999

The House in Committee of the Whole House on the State of the Union had under consideration of the bill (H.R. 2723) to amend title I of the Employee Retirement Income Security Act of 1974, title XXVII of the public Health Service Act, and the Internal Revenue Code of 1986 to protect consumers in managed care plans and other health coverage.

Mr. MOORE. Mr. Chairman, I am very pleased that on October 7, 1999, the House of Representatives passed the long-overdue Bipartisan Consensus Managed Care Improvement Act (H.R. 2723) by such a large margin. I truly believe that H.R. 2723 is good, common-sense legislation that will protect the interests of patients in contracts with health insurers. I am attaching a letter signed by representatives of the Kansas Association of Osteopathic Medicine, the Kansas Dental Association, the Kansas Medical Society, the Kansas Pharmacists Association, the Kansas State Nurses Association, the National Association of Social Workers—Kansas Chapter and the Kansas Trial Lawyers Association expressing support for H.R. 2723.

I am a cosponsor of H.R. 2723 and supported passage, although I was very disappointed that the Republican leadership did not allow Representatives Norwood and Dingell to offer an amendment to pay for provisions in the managed care bill. Their amendment would have provided $7 billion in offsets for revenue losses estimated to result from increased deductions for higher medical premiums. I fully expect the conferees to offset this cost to gain my support for the final bill, and I am encouraged that the President has said that he will not sign the final bill unless it is fully offset.

On October 6, 1999, I opposed final passage of H.R. 2990, the so-called ''access'' bill. This bill was estimated by the Joint Committee on Taxation to cost $48.7 billion over 10 years with not offsets. Sponsors of H.R. 2990 claim that it will be paid for out of the projected budget surplus, which is based upon the assumption that Congress will abide by the spending caps enacted in the 1997 budget agreement. The Congressional Budget Office, however, has estimated that Congress has already voted to increase spending by at least $30 billion over the caps for fiscal year 2000, which will require tapping into the Social Security Trust Fund. I voted against H.R. 2990 because I made a commitment not to spend one penny of the Social Security surplus.

Let me make one thing clear—I do not believe that legislation to protect patients and efforts to make health care more accessible are mutually exclusive. As a member of the Small Business Committee, I am working hard to expand health coverage to the 43 million Americans who lack it, since more than 60% of the uninsured have one thing in common—they are either self-employed, or their primary breadwinner is employed by a small business that cannot afford to provide health benefits.

To this end, I am a cosponsor of H.R. 1496, the Small Business Access and Choice for Entrepreneurs Act. This legislation would do two things: 1) Offer immediate 100% health insurance deductibility for the self-employed; and 2) strengthen and expand Association Health Plans (AHPs) for small business owners. AHPs would allow small businesses and the self-employed to join together to obtain the same economics of scale, purchasing clout, and administrative efficiencies from which large health insurance purchasers currently benefit. AHPs will give small employers the ability to design more affordable benefit options, offer workers more choices, and promote greater competition in the health insurance market.

I look forward to continuing to work with my colleagues to ensure adequate patient protections and access to health care for all Americans.

KANSAS STATE NURSES ASSOCIATION
October 5, 1999.

Congressman DENNIS MOORE,
Cannon House Office Building, Washington, DC.

DEAR CONGRESSMAN MOORE: On behalf of organizations concerned about health care in our state, we are writing to ask your support of the bipartisan Consensus Managed Care Improvement Act (HR 2723) by Charlie Norwood and others.

It is our understanding that this important legislation will be up for consideration the week of October 4. We ask that you support this legislation because it provides the best patient protection by addressing these important elements:

- Allows patients to obtain the medical care they need
- Protects nurses, physicians and other health care professionals who advocate for their patients
- Holds health care plans accountable by removing the ERISA preemption
- Has a strong external review component
- Determines ''medical necessity'' according to generally accepted standards of medical practice by a prudent physician
- Prohibits gag clauses and practices
- Provides accurate disclosure of costs and benefits

Kansans, just like the majority of Americans, want strong patient protections from managed care. H.R. 2723 represents your best opportunity to provide these protections. Please don't vary from this approach.

Thank you,
Respectfully Submitted,
CHIP WHEELAN,
Kansas Association of Osteopathic Medicine.
KEVIN ROBERTSON,
Kansas Dental Association.
JERRY SLAUGHTER,
Kansas Medical Society.
BOB WILLIAMS,
Kansas Pharmacists Association.
TERRI ROBERTS,
Kansas State Nurses Association.
SKY WESTERLUND,
National Association of Social Workers, Kansas Chapter.
TERRY HUMPHREY,
Kansas Trial Lawyers Association.

TRIBUTE TO GREG MAJORS, A DEDICATED INDIVIDUAL

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 12, 1999

Mr. MCINNIS. Mr. Speaker, it is with great pride that I take a moment to recognize Greg Majors who has routinely gone above and beyond the usual duties to make his business and community a better place. He has recently been awarded the 1999 Sam Walton Business Leader Award, which honors local business people who best exemplify the principles of Wal Mart founder, Sam Walton.

Greg Majors is a driven man who has many positive ideas for change and improvement. He is involved in many organizations which are both business and community oriented. For the past nineteen years he has been with Norwest Banks. The last eight he has spent in Montrose as manager of Business Banking. There he is revered among his employees as an honest and likeable man.

In addition, Greg has served as director of MEDC for the past four years, two of which he served as president. He has also been the director of the Montrose Memorial Hospital Board of Trustees for the past three years. As if the aforementioned activities are not enough for one man, Greg also serves on the board of trustees of the Montrose United Methodist Church and for the past six years he has been an active member of the Rotary Club.

Mr. Speaker, as you can see, Greg Majors is a valuable asset to the community of Montrose. So, it is with this that I say thank you to this man on behalf of the people of Western Colorado for his dedicated service and I wish him well in all his future endeavors.

TRIBUTE TO DEPUTY SHERIFF ERIC ANDREW THACH

HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 12, 1999

Mr. CALVERT. Mr. Speaker, I rise today along with my colleague Congresswoman MARY BONO, with a heavy heart to pay tribute to a fallen deputy sheriff from Sun City, California. Deputy Sheriff Eric Andrew Thach died Friday in the line of duty for his Riverside County community. We send our condolences and prayers to his family, neighbors and the community.

Eric Thach was 34 years of age and employed with the Riverside County Sheriff's Department for three years, since September 1996. He leaves behind his young wife, Evelyn, and daughter, Shana. He also leaves behind neighbors and a community that will miss his constant self-sacrifice, generosity and quiet demeanor. And, now those left behind must pull together to support and strengthen each other during the coming months and years as they heal.

''Deputy Sheriff Eric Thach lived his life with strength and courage. He was a good man, taken from us too soon . . . He will live on in our memory and in the many respects paid to him by the community,'' stated Riverside County Sheriff Larry D. Smith.

Eric Thach's sacrifice will be further remembered as his name is engraved next to the names of three fellow officers, also felled in the line of duty. The marker sits outside the Riverside County Sheriff's Department as a reminder to us all of the selfless duty for law enforcement officers assume as they protect the people or Riverside County—a sacrifice that we often take for granted. As Madam de Stael once said, ''We understand death for the first time when he puts his hand upon the one whom we love.''

The National Law Enforcement Officer Memorial, though, says it the best, that ''it is not how these officers died that made them heroes, it is how they lived.'' Many of us can not truly understand the latent danger associated with the day to day routines of our law enforcement officers. They put themselves in the line of danger everyday as they stop a vehicle, respond to an incident or a suspicious circumstances—like Deputy Thach. The danger and violence they face day in and day out is very real and it is times like these—sadly—that make us stop and honor our law enforcement officers. We hope that they be given such honor, respect and thanks always—not only when life's fragile nature is revealed. Deputy Eric Thach lived his life with this constantly in the forefront and his memory can be best served by us all doing the same.

Mr. Speaker, we ask that you and our colleagues join us today to remember this fine deputy. On behalf of the residents of Riverside County, we extend our prayers and most heartfelt sympathy to his family and loved ones.

BIPARTISAN CONSENSUS MANAGED CARE IMPROVEMENT ACT OF 1999

SPEECH OF

HON. LORETTA SANCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 7, 1999

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 2723) to amend title I of the Employee Retirement Income Security Act of 1974, title XXVII of the Public Health Service Act, and the Internal Revenue Code of 1986 to protect consumers in managed care plans and other health coverage.

Ms. SANCHEZ. Mr. Chairman, I rise today to share with my colleagues the stories of families in my District who have needlessly suffered in the absence of a real Patients' Bill of Rights.

I want to share with you a story that happened to one of my constituents in what is believed to be the first real brittle bone disease case in Orange County that has gone to trial.

Imagine this man's horror when his son was taken away and given to Child Protective Services because of alleged child abuse. This child was not abused, the child had an incurable disease that was mis-diagnosed.

It is unfathomable to me that the system, which is here to protect patients, would use outdated methods to diagnose this disease, have the patient suffer and not have Patient Protection Legislation for the worst case scenario to safeguard them from medical incompetency.

Since I came to Congress, I have listened closely to the managed care reform debate. I have also read the newspapers, seen the polls, and continue to hear the horror stories.

This past weekend, I did what every member of Congress should be doing; I heard from my constituents.

I learned that my constituents do want reform and do want some type of ''Patients' Bill of Rights.'' They want Congress to initiate reform and to keep the interest of the patients in mind.

My constituents believe that HMO's are the future of healthcare, but they want to make sure that care is put above profits.

The Democratic Patients' Bill of Rights returns medical decisions back to America's families and their doctors. It is based on proposals endorsed by America's family doctors.

Any bill we pass is going to affect each one of my constituents, millions of Americans, and thousands of Orange County residents. But only the Democratic bill will cover all 161 million Americans with private insurance.

The American public cannot continue to afford the absence of Managed Care Reform. But the worst thing we could do is pass legislation that puts consumers in a worse situation than they are today.

That is exactly what the Republican piecemeal managed care legislation would do. The Republican proposal is a minimalist bill that stops short of offering real Patient Protection Legislation.

We need to pass Managed Care protection legislation and we need to pass it in this Congress.

HONORING JOHN BARONE AS HE IS NAMED WEST HAVEN ITALIAN-AMERICAN OF THE YEAR

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 12, 1999

Ms. DELAURO. Mr. Speaker, it gives me great pleasure to stand today to join with the community of West Haven, CT, as they honor my dear friend, John Barone, as Italian-American of the Year.

This weekend is special to Italian-Americans across the Nation. We join together to commemorate the historic voyage of Christoforo Colombo and celebrate the strength of our heritage. Colombo's determination, hard work, and courage led the way across the seas for millions to follow. These immigrants—our parents and grandparents—had little more than hope and determination, yet they built the strong, vital communities that have become the backbone of Connecticut and our great Nation. Each year, the West Haven community honors a member who has demonstrated this same leadership and courage. This year, that man is John Barone.

John has been a driving force in the West Haven community since he and his wife, Ann, first made their home here 48 years ago. John illustrates the vital difference an individual can make in a community. Through his years of dedication to the Italian-American Club and his unfailing efforts to improve the quality of life for the families of West Haven, John has always endeavored to help his neighbors in any way that he could. With his ever-present cigar, and accompanying smile, John's warmth and compassion have become a true source of inspiration and comfort to our community.

John has spent his life preserving and promoting the strong values of Italian-Americans—hard work, family and neighbors, and the importance of keeping our traditions and heritage alive. Last year, I had the opportunity to join family, friends, and over 100 community members who gathered to dedicate the West Haven Beach Bocce courts in his honor. Bocce is a game that combines strategy, skill, and determination. Carrying the true spirit of Italian culture, it is played in Italian-American neighborhoods across the country. John's love of bocce is well-known. His determination to create easy access to the game for the residents of West Haven, and dedication to bringing them together to share and enjoys a game that has its origins in 19th century Italy is truly characteristic of John. Today, these courts provide endless hours of enjoyment for people of all ages from dawn until dusk.

John is an extraordinary individual who has spent his life striving to improve the quality of life for all members of the West Haven community. He is a true friend and I am proud to rise today to recognize his accomplishments and join with family, friends, and the West Haven community as they name him this year's Italian-American of the Year.

IN HONOR OF GREGORY ''GQ'' JOHNSON

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 12, 1999

Mr. KUCINICH. Mr. Speaker, I stand today with a heavy heart grieving for Gregory ''GQ'' Johnson, a nineteen year old resident of Cleveland Ohio. Young Gregory Johnson died of complications of diabetes in September.

Gregory ''GQ'' Johnson was an exemplary young man. As a member of the City Year Cleveland Public Service Program, he dedicated much of his time and energy to tutoring younger children. Gregory especially liked to work with withdrawn or overly aggressive children. Through his inspiration and devotion, many of the children he helped became more focused on the studies and some even began to confide in him. Gregory Johnson was one who could be trusted and relied on. The time he spent with the children he helped will be remembered and cherished.

Gregory will be greatly missed. My distinguished colleagues, please join me in remembering and honoring Gregory ''GQ'' Johnson, a very special young man who dedicated his life to teaching others.

A TRIBUTE TO RECENT INDUCTEES TO THE SWIRE COCA-COLA MAVERICK HALL OF HONOR

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 12, 1999

Mr. MCINNIS. Mr. Speaker, I rise to recognize Ron Bell, Bob Engle, Jeff Russell, and Shawn Smith who were all inducted into the Swire Coca-Cola Mesa State Maverick Hall of Honor last week. These individuals have shown just what can be achieved through hard work and dedication and are most worthy of this coveted distinction. It is with this that I would like to now honor each of these distinguished Mesa State alums.

It is a rare feat to hold a National record for more than a year in any track and field event. Ron Bell held the National record for the javelin throw for forty years. His throw, back in 1959 measured 207 feet, 1½ inches. He did this not with a personal javelin that he had practiced with many times, but one that he borrowed from the opposing team. Bell, who is now sixty years old, has had many athletic achievements in his time ranging from the 1958 Mesa Junior basketball team which was the first to compete in the junior college national tournament to earn a spot on the Brigham Young basketball team.

Bob Engle is a man who has given years of service to his country in the United States Army. His achievements, thereafter, are the stuff of legend. His two year stay at Mesa Junior college had numerous highlights. He was twice named to the Topps district All Star Team, was awarded a spot on the All-Junior College World Series team in 1969, and in 1970 he was an All-Region XVIII selection. After stays on the Baltimore Orioles and the Toronto Blue Jays, he worked his way up the scouting ladder to his current position in the Blue Jays office as senior advisor of baseball operations.

Rarely do you hear of someone being a four-time All American in any sport. Jeff Russell was the only four-time All America athlete at Mesa State College in two sports. He placed fifth in the nation in wrestling in 1988 and third in the nation the following season. More recently Russell has received honors for his work as a police officer. In 1994 he was named American Legion Officer of the Year.

Heralded as the ''best basketball player ever at Mesa State College,'' Shawn Smith led the first Mesa team to go to the NAIA national tournament. Among his many accolades, Smith was named to every all-state team in Colorado and honorable mention All-American. He also led the state in scoring his senior year.

As you can see, Mr. Speaker, these athletes all warrant the highest of honors. I am proud to honor them now and say congratulations for their acceptance into the Swire Coca-Cola Maverick Hall of Honor.

SUPPORTING THE TRANSITION TO DEMOCRACY IN INDONESIA, H. CON. RES. 195

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 12, 1999

Mr. GILMAN. Mr. Speaker, I am proud to introduce today a Resolution supporting the transition to democracy in Indonesia. Indonesia's highest legislature, the People's Consultative Assembly (MPR), is in the process of choosing the country's next President and Vice President and ultimately setting the course for the founding of a new government. This process will culminate in a little over a week as a result of the first contested election

since independence in 1945. On October 21st, a new President takes the helm of state and a new government will be formed. It is hoped and expected that this process will be free, fair and transparent and result in a reduction in the uncertainty which surrounds the country's political, economic, and social stability.

The MPR must quickly ratify the results of the popular consultation in East Timor and all parties should work closely together to ensure a smooth, peaceful transition of government. I fully support the aspirations of the Indonesian people in embracing democracy and it is my hope that the world's fourth largest country will soon become the world's third largest democracy.

Accordingly, I request that the entire text of H. Con. Res. 195 be inserted at this point in the Record.

H. CON. RES. 195

Whereas the Republic of Indonesia is the world's fourth most populous country, has the world's largest Muslim population, and is the second largest country in East Asia;

Whereas a stable and democratic Indonesia is important to regional and American interests;

Whereas on June 7, 1999, elections were held for the Indonesian People's Representative Assembly (DPR), which, despite some irregularities, were deemed to be free, fair, and transparent according to international and domestic observers;

Whereas over 100 million people—more than 90 percent of Indonesia's registered voters—participated in the election, demonstrating the Indonesian people's interest in democratic processes and principles; and

Whereas Indonesia's People's Consultative Assembly (MPR) convened on October 1, 1999, to organize the new government, ratify the results of the August 30, 1999, popular consultation in East Timor, and select the next President and Vice President of Indonesia: Now, therefore, be it

Resolved by the House of Representative (the Senate concurring), That the Congress—

(1) congratulates the people of Indonesia on carrying out the first free, fair, and transparent national elections in 44 years;

(2) supports the aspirations of the Indonesian people in pursuing democracy;

(3) calls upon all Indonesian leaders, political party members, military personnel, and the general public to respect the outcome of the elections;

(4) calls for the transparent selection of the next President and Vice President as expeditiously as possible under Indonesian law, in order to reduce the impact of continued uncertainty about the country's political, economic, and social stability and to enhance the prospects for the country's economic recovery;

(5) calls upon all parties to work together to assure a smooth transition to a new government; and

(6) calls for the People's Consultative Assembly (MPR) to ratify the results of the popular consultation in East Timor as expeditiously as possible.

IN TRIBUTE TO JAZZ GREAT MILT JACKSON

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 12, 1999

Mr. CONYERS. Mr. Speaker, I rise to pay tribute to jazz great, Milt Jackson. Milt Jackson was a wonderful person and magnificent talent who played the vibraphone in a way that emitted rich, warm sounds like no one else. Milt Jackson was born in Detroit and played many instruments prior to playing the vibraphone. Blessed with the gift of perfect pitch, he originally sang with the Detroit gospel group, the Evangelist Singers. He started playing jazz in high school with the Clarence Ringo and the George Lee Band but his new found jazz career was interrupted by a short stint in the Army. Upon discharge, Mr. Jackson founded his own jazz quartet called the Four Sharps.

Dizzy Gillespie, while in Detroit on a midwestern tour, spotted the quartet in a Detroit bar and promptly asked Mr. Jackson to join his band. By the time Mr. Jackson joined Gillespie's band, he was deeply under the influence of Charlie Parker. Jackson tried to emulate Parker's rhythmic traits and tried to achieve a hornlike quality to his sound. Jackson went on to create a new sound in the 1940's slowing down the motor on his Vibraharp's oscillator by one-third the speed to create a rich vibrato sound very similar to his own voice. Mr. Jackson was also knowledgeable in classical music and was involved in the jam sessions with Miles Davis and Gerry Mulligan which led to the ''Birth of the Cool.'' One of the most significant musical achievements in Jackson's career was his over four decades of work as a member of the Modern Jazz Quartet which was formed in the early 1950's.

Milt always responded positively to my invitations to come and share his significant knowledge and talent at the annual Congressional Black Caucus Foundation jazz issues forum. The jazz issues forum was established to enhance and perpetuate the art form, emphasize cultural heritage, and forge awareness and pride within the African-American community. In 1987, the jazz issue forum in the United States Congress passed House Concurrent Resolution 57 which designates jazz to be ''a rare and valuable national American treasure.''

He will be missed greatly as Milt Jackson was one of the world's preeminent improvisors in jazz. His special brilliance will be enjoyed by jazz fans for all the ages.

[From the N.Y. Times, Mon., Oct. 11, 1999]

MILT JACKSON, 76, JAZZ VIBRAPHONIST, DIES

(By Ben Ratliff)

Milt Jackson, the jazz vibraphonist who was a member of the Modern Jazz Quartet for 40 years and was one of the premier improvisers in jazz with a special brilliance at playing blues, died on Saturday at St. Luke's-Roosevelt Hospital in Manhattan. He was 76 and lived in Teaneck, N.J.

The cause was liver cancer, said his daughter, Chyrise Jackson.

All the best jazz musicians know how to take their time, and Mr. Jackson was no different. Originally a singer in a Detroit gospel quartet, he created a new sound in the 1940's by slowing down the motor on his Deagan Vibraharp's oscillator to a third of the speed of Lionel Hampton's; a result, when he chose to let a sustained note ring, was a rich, warm smoky sound, with a vibrato that approximated his own singing.

''He came closer than anyone else on the instrument to making it sound like the human voice,'' said the young vibraphonist Stefon Harris yesterday. ''It's a collection of metal and iron, and we don't have the ability to bend notes and make vocal inflections like a saxophone. But Milt played the instrument in the most organic way possible—with a warm, rich sound. He set a precedent that this instrument can speak beautiful things, and that it's not just percussive.''

Mr. Jackson, who was born in Detroit, had become an impressively broad musician by the middle of his teen-age years. He had perfect pitch, and he began teaching himself guitar at the age of 7, started piano lessons at 11 and in high school played five instruments: drums, tympani, violin, guitar and xylophone; he also sang in the choir. By the age of 16, he had picked up the vibraphone as well, encouraged by a music teacher, and sang tenor in a popular gospel quartet called the Evangelist Singers as well as beginning his jazz career, playing vibraphone with Clarence Ringo and the George E. Lee band.

Out of high school, he almost joined Earl Hines's big band, but his draft notice intervened. In 1944, back in Detroit after two years of overseas military service, he set up a jazz quartet called the Four Sharps. (He admitted that he got his nickname, Bags, from the temporary furrows under his eyes incurred by a drinking binge after his release from the Army.) Dizzy Gillespie saw the quartet at a Detroit bar on a swing through the Midwest, and called upon Mr. Jackson in 1945 to join his band in New York.

Mr. Jackson's style, then and later, came from Charlie Parker, rather than Mr. Hampton, his most prominent precursor on the instrument; he not only tried to achieve a hornlike legato with his mallets, but he adopted many of Parker's rhythmic traits as well. He was the first bona fide bebop musician on the vibraphone, and became one of the prides of Gillespie's own band. Gillespie also brought him to Los Angeles to fill out his sextet at Billy Berg's club, hedging against the probability that Parker, who was in the band and at the low point of his heroin addiction, would fail to show up.

Back in New York in 1946, Mr. Jackson recorded some of bebop's classics with Gillespie's orchestra—''A Night in Tunisia,'' ''Anthropology'' and ''Two Bass Hit.'' Mr. Jackson, the pianist John Lewis, the bassist Ray Brown and the drummer Kenny Clarke were the rhythm section of Gillespie's band. ''Dizzy had a lot of high parts for the brass in that group,'' remembered Mr. Brown. ''So he said, 'I have to give these guys' lips a little rest during concerts, and while they're resting, you should play something.'' The development of this rhythm section's relationship led to some recordings for Gillespie's own label, Dee Gee, by a new band known as the Milt Jackson Quartet.

Mr. Jackson left Gillespie and came back to him again for a period in the early 1950's. And in 1951, with Thelonious Monk, he made recordings that would further the idiom again, weaving his linear improvisations around Monk's abrupt, jagged gestures on pieces including ''Criss Cross'' and ''Straight, No Chaser.''

Mr. Lewis, the pianist, began to have ideas about forming a new group, one that would go beyond the notion of soloists with a rhythm section. He had an extensive knowledge of classical music, had been involved in the sessions with Miles Davis and Gerry Mulligan that would become known as ''Birth of the Cool,'' and he envisioned a more deliberately formal feeling for a small band. In 1952 the Modern Jazz Quartet began, with Clark as drummer and Percy Heath as bassist. Connie Kay replaced Clarke in 1955. After a while, Mr. Lewis became the group's musical director.

The group wore tailored suits and practiced every aspect of their public presentation, from walking on stage to making introductions to the powerfully subdued arrangements in their playing. They wanted to bring back to jazz the sense of high bearing it had been losing as the popularity of the

big bands was slipping and jazz became more of a music predicated on the casual jam-session. Through two decades of immaculately conceived and recorded albums on Atlantic Records, beginning in 1956, their vision was borne out. Initially, they found that audiences were somewhat startled by the authority of their quietness; eventually the group would be one of the few jazz bands embraced by an audience much wider than jazz fans.

Mr. Lewis economized, playing small chords and creating a light but sturdy framework for the music, and Mr. Jackson was the expansive foil, letting his tempos crest and fall, luxuriating in the passing tones and quick, curled runs of bebop. It was often supposed that he grew frustrated with his role in the band; in a recent interview Mr. Jackson said he felt that Mr. Lewis suppressed the group's sense of swing. In 1974 he left, dissolving the band until it reunited for the first of several tours in the 1980's. Mr. Kay died in 1994, and the Modern Jazz Quartet, with Mickey Roker sitting in for him, gave its last performance the following year.

Besides being widely acknowledged as one of the music's greatest improvisers, Mr. Jackson wrote a lot of music—most famously the blues pieces ''Bags' Groove,'' ''Bluesology'' and ''The Cylinder.'' He recorded widely. He made small-group and orchestral records in the early 1960's, collaboration albums with John Coltrane and Ray Charles, and a large number of records on the Pablo label during the 1970's and 1980's with Mr. Brown on bass, as well as Gillespie, Count Basie, Oscar Peterson and others. In 1992 he began a series of albums produced by Quincy Jones for the Qwest label; the most recent, from this year, was ''Explosive!,'' recorded with the Clayton-Hamilton Jazz Orchestra. The last collaboration with Mr. Brown and Mr. Peterson, ''The Very Tall Band,'' was issued this year by Telarc.

In addition to his daughter, of Fort Lee, N.J., he is survived by his wife, Sandra, of Teaneck, and three brothers: Alvin, of Queens, and Wilbur and James, both of Detroit.

Daily Digest

Senate

Chamber Action

Routine Proceedings, pages S12329–S12447

Measures Introduced: Four bills and one resolution were introduced, as follows: S. 1716–1719, and S. Res. 201. **Page S12421**

Measures Passed:

Congratulating Hank Aaron on Home Run Record: Senate agreed to S. Res. 201, congratulating Henry ''Hank'' Aaron on the 25th anniversary of breaking the major league baseball career home run record established by Babe Ruth and recognizing him as one of the greatest baseball players of all time. **Page S12442**

Comprehensive Nuclear Test Ban Treaty: Senate resumed consideration of the resolution of ratification to the Comprehensive Nuclear Test-Ban Treaty, opened for signature and signed by the United States at New York on September 24, 1996 (Treaty Doc. 105–28); treaty includes two Annexes, a Protocol, and two Annexes to the Protocol, taking action on the following amendment proposed thereto:

Pages S12329–S12405

Adopted:

Biden (for Daschle) Amendment No. 2291 (to Resolution to Advise and Consent to Treaty Doc. 105–28), to condition the advice and consent of the Senate on the six safeguards proposed by the President. **Pages S12360–63**

Agriculture Appropriations Conference Report: Senate resumed consideration of the conference report on H.R. 1906, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2000. **Pages S12405–20**

During consideration of this measure today, Senate also took the following action:

By 79 yeas to 20 nays (Vote No. 322), three-fifths of those Senators duly chosen and sworn having voted in the affirmative, Senate agreed to close further debate on the conference report. Subsequently, the vote on the second motion to close further debate on the conference report was withdrawn.

Pages S12419–20

A unanimous-consent agreement was reached providing for further consideration of the conference report on Wednesday, October 13, 1999, with a vote on adoption to occur thereon. **Page S12420**

Messages From the President: Senate received the following message from the President of the United States:

A message from the President of the United States transmitting a report relative to operation of the Caribbean Basin Economic Recovery Act; referred to the Committee on Finance. (PM–63). **Page S12420**

Nominations Received: Senate received the following nominations:

3 Army nominations in the rank of general.

Routine lists in the Air Force, Army, Coast Guard, Marine Corps. **Pages S12443–47**

Messages From the President: **Page S12420**

Statements on Introduced Bills: **Pages S12420–26**

Additional Cosponsors: **Pages S12426–27**

Amendments Submitted: **Page S12427**

Authority for Committees: **Pages S12427–28**

Additional Statements: **Pages S12428–29**

Text of S. 1650, as Previously Passed:

Pages S12429–42

Record Votes: One record vote was taken today. (Total—322) **Page S12419**

Adjournment: Senate convened at 9:01 a.m., and adjourned at 6:19 p.m., until 9:30 a.m., on Wednesday, October 13, 1999. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on pages S12442–43.)

Committee Meetings

(Committees not listed did not meet)

U.S. NORTH KOREA POLICY

Committee on Foreign Relations: Subcommittee on East Asian and Pacific Affairs concluded hearings on the United States policy toward North Korea, focusing on the findings and recommendations of the Perry Report, after receiving testimony from William J. Perry, Special Advisor to the President on North Korea Policy, Department of State.

INTELLIGENCE

Select Committee on Intelligence: Committee held closed hearings on intelligence matters, receiving testimony from officials of the intelligence community.

Committee recessed subject to call.

House of Representatives

Chamber Action

Bills Introduced: 6 public bills, H.R. 3057–3062; and 2 resolutions, H. Con. Res. 195–196, were introduced. **Page H9899**

Reports Filed: Reports were filed today as follows:

H.R. 1791, to amend title 18, United States Code, to provide penalties for harming animals used in Federal law enforcement, amended (H. Rept. 106–372);

Report on the Revised Suballocation of Budget Allocations for Fiscal Year 2000 (H. Rept. 106–373);

H.R. 795, to provide for the settlement of the water rights claims of the Chippewa Cree Tribe of the Rocky Boy's Reservation, amended (H. Rept. 106–374);

H. Res. 326, waiving points of order against the conference report to accompany the bill H.R. 2561, making appropriations for the Department of Defense for the fiscal year ending September 30, 2000 (H. Rept. 106–375); and

H. Res. 327, providing for consideration of the bill (H.R. 1993) to reauthorize the Overseas Private Investment Corporation and the Trade and Development Agency (H. Rept. 106–376). **Pages H9898–99**

Speaker Pro Tempore: Read a letter from the Speaker wherein he designated Representative Biggert to act as Speaker pro tempore for today. **Page H9823**

Guest Chaplain: The prayer was offered by the guest Chaplain, Rev. Dr. Karl P. Donfried of Northampton, Massachusetts. **Page H9827**

Recess: The House recessed at 1:02 p.m. and reconvened at 2:00 p.m. **Page H9826**

Presidential Messages: Read the following messages from the President:

Naval Petroleum Reserves: Message wherein he transmitted his report on the continued production from the Naval Petroleum Reserves—referred to the Committee on Armed Services and ordered printed (H. Doc. 106–142); and **Page H9828**

Caribbean Economic Recovery Act: Message wherein he transmitted his report on the Caribbean Basin Economic Recovery Act—referred to the Committee on Ways and Means. **Page H9877**

Corrections Calendar: On the call of the Corrections Calendar, the House passed H.R. 576, to amend title 4, United States Code, to add the Martin Luther King, Jr. holiday to the list of days on which the flag should especially be displayed. Subsequently, the House passed S. 322, a similar Senate-passed bill—clearing the measure for the President. H.R. 576 was then laid upon the table. **Pages H9828–31**

Suspensions: The House agreed to suspend the rules and pass the following measures:

Federal Law Enforcement Animal Protection Act: H.R. 1791, amended, to amend title 18, United States Code, to provide penalties for harming animals used in Federal law enforcement; **Pages H9831–33**

Designating the William H. Avery Post Office: H.R. 2591, to designate the United States Post Office located at 713 Elm Street in Wakefield, Kansas, as the ''William H. Avery Post Office''; **Pages H9833–35**

Designating the Dizzy Dean Post Office: H.R. 2460, to designate the United States Post Office located at 125 Border Avenue West in Wiggins, Mississippi, as the ''Jay Hanna 'Dizzy' Dean Post Office''; **Pages H9835–37**

Designating the Louise Stokes Post Office: H.R. 2357, to designate the United States Post Office located at 3675 Warrensville Center Road in Shaker Heights, Ohio, as the ''Louise Stokes Post Office'';
Pages H9837–39

Designating the Augustus F. Hawkins Post Office Building: H.R. 643, to redesignate the Federal building located at 10301 South Compton Avenue, in Los Angeles, California, and known as the Watts Finance Office, as the ''Augustus F. Hawkins Post Office Building'';
Pages H9839–40

Designating the John K. Rafferty Hamilton Post Office Building: H.R. 1374, amended, to designate the United States Post Office building located at 680 State Highway 130 in Hamilton, New Jersey, as the ''John K. Rafferty Hamilton Post Office Building''. Agreed to amend the title;
Pages H9841–43

Father Theodore H. Hesburgh Congressional Gold Medal Act: H.R. 1932, to authorize the President to award a gold medal on behalf of the Congress to Father Theodore M. Hesburgh, in recognition of his outstanding and enduring contributions to civil rights, higher education, the Catholic Church, the Nation, and the global community;
Pages H9847–53

Upper Delaware Scenic and Recreational River Mongaup Visitor Center Act: H.R. 20, to authorize the Secretary of the Interior to construct and operate a visitor center for the Upper Delaware Scenic and Recreational River on land owned by the State of New York;
Pages H9853–54

Lamprey Wild and Scenic River Extension Act: H.R. 1615, to amend the Wild and Scenic Rivers Act to extend the designation of a portion of the Lamprey River in New Hampshire as a recreational river to include an additional river segment;
Pages H9854–55

Wilderness Battlefield, Virginia Land Acquisition: H.R. 1665, amended, to allow the National Park Service to acquire certain land for addition to the Wilderness Battlefield in Virginia, as previously authorized by law, by purchase or exchange as well as by donation;
Pages H9855–57

Keweenaw National Historic Parks Advisory Commission: H.R. 748, amended, to amend the Act that established the Keweenaw National Historical Park to require the Secretary of the Interior to consider nominees of various local interests in appointing members of the Keweenaw National Historical Parks Advisory Commission. Agreed to amend the title;
Pages H9857–58

Continuing Administration of Motor Carrier Functions by Federal Highway Administration: H.R. 3036, amended, to provide for interim continuation of administration of motor carrier functions by the Federal Highway Administration. Agreed to amend the title;
Pages H9872–75

Urging that Classrooms Receive 95% of Federal Education Dollars: H. Res. 303, amended, expressing the sense of the House of Representatives urging that 95 percent of Federal education dollars be spent in the classroom (agreed to by a yea and nay vote of 421 yeas to 5 nays, Roll No. 491);
Pages H9843–47, H9875–76

Wireless Communications and Public Safety Act: S. 800, to promote and enhance public safety through the use of 9–1–1 as the universal emergency assistance number, further deployment of wireless 9–1–1 service, support of States in upgrading 9–1–1 capabilities and related functions, encouragement of construction and operation of seamless, ubiquitous, and reliable networks for personal wireless services (passed by a yea and nay vote of 424 yeas to 2 nays, Roll No. 492)—clearing the measure for the president; and
Pages H9858–63, H9876

Hillory T. Farias Date-Rape Prevention Drug Act: H.R. 2130, amended, to amend the Controlled Substances Act to add gamma hydroxybutyric acid and ketamine to the schedules of control substances, to provide for a national awareness campaign (passed by a yea and nay vote of 423 yeas with 1 voting ''nay'', Roll No. 493). Agreed to amend the title.
Pages H9863–72, H9876–77

Senate Messages: Message received from the Senate appears on page H9823.

Amendments Ordered Printed: Amendments ordered printed pursuant to the rule appear on pages H9899–H9901.

Referrals: S. 1567 and S. 1595 were referred to the Committee on Transportation and Infrastructure.
Page H9897

Quorum Calls—Votes: Three yea and nay votes developed during the proceedings of the House today and appear on pages H9875–76, H9876, and H9876–77. There were no quorum calls.

Adjournment: The House met at 12:30 p.m. and adjourned at 11:23 p.m.

Committee Meetings

CHILDREN'S HEALTH

Committee on Commerce: Subcomittee on Health and Environment held a hearing on Children's Health: Building Toward a Better Future. Testimony was heard from public witnesses.

DEFENSE VACCINES

Committee on Government Reform: Held a hearing on Defense Vaccines: Force Protection or False Security? Testimony was heard from the following officials of the Department of Defense: Sue Bailey, M.D., Assistant Secretary, Health Affairs; Maj. Gen. Randall L. West, USMC, Special Assistant to the Secretary, Biological Warfare and Anthrax; and Lt. Col. Randy Randolph, USA, Director, Antrax Vaccine Immunization Program Agency; Cedric E. Dumont, M.D., Medical Director, Office of Medical Services, Department of State; Kathryn C. Zoon, Director, Center for Biologics, Evaluation and Research, FDA, Department of Health and Human Services; Kwai-Cheung Chan, Director, Special Studies and Evaluation, GAO; and public witnesses.

OVERSIGHT

Committee on Resources: Held an oversight hearing on the Collection of State Transaction Taxes by Tribal Retail Enterprises. Testimony was heard from Representatives Istook, Visclosky and Sandlin; Michael J. Anderson, Deputy Assistant Secretary, Indian Affairs, Department of the Interior; and public witnesses.

CONFERENCE REPORT—DEPARTMENT OF DEFENSE APPROPRIATIONS

Committee on Rules: Granted, by voice vote, a rule waiving all points of order against the conference report to accompany H.R. 2561, making appropriations for the Department of Defense for the fiscal year ending September 30, 2000, and against is consideration. The rule provides that the conference report shall be considered as read. Testimony was heard from Representatives Lewis of California and Representatives Obey and Murtha.

EXPORT ENHANCEMENT ACT

Committee on Rules: Granted, by voice vote, a modified open rule, providing 1 hour of general debate on H.R. 1993, Export Enhancement Act of 1999. The rule makes in order the Committee on International Relations amendment in the nature of a substitute which shall be considered as an original bill for the purpose of amendment. The rule provides that the amendment in the nature of a substitute shall be open to amendment by section. The rule provides for the consideration of pro forma amendments and those amendments pre-printed in the Congressional Record prior to their consideration, which may be offered only by the Member who caused it to be printed or his designee, and shall be considered as read. The rule allows the Chairman of the Committee of the Whole to postpone votes during consideration of the bill and to reduce voting time to five minutes on a postponed question if the vote follows a fifteen minute vote. Finally, the rule provides one motion to recommit with or without instructions. Testimony was heard from Chairman Gilman and Representatives Manzullo and Menendez.

COMMITTEE MEETINGS FOR WEDNESDAY, OCTOBER 13, 1999

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Armed Services: Subcommittee on Seapower, to hold hearings on the force structure impacts on fleet and strategic lift operations, 9:30 a.m., SR–222.

Committee on Energy and Natural Resources: Subcommittee on National Parks, Historic Preservation, and Recreation, to hold hearings on S. 167, to extend the authorization for the Upper Delaware Citizens Advisory Council and to authorize construction and operation of a visitor center for the Upper Delaware Scenic and Recreational River, New York and Pennsylvania; S. 311, to authorize the Disabled Veterans' LIFE Memorial Foundation to establish a memorial in the District of Columbia or its environs; S. 497, to designate Great Kills Park in the Gateway National Recreation Area as ''World War II Veterans Park at Great Kills''; H.R. 592, to redesignate Great Kills Park in the Gateway National Recreation Area as ''World War II Veterans Park at Great Kills''; S. 919, to amend the Quinebaug and Shetucket Rivers Valley National Heritage Corridor Act of 1994 to expand the boundaries of the Corridor; H.R. 1619, to amend the Quinebaug and Shetucket Rivers Valley National Heritage Corridor Act of 1994 to expand the boundaries of the Corridor; S. 1296, to designate portions of the lower Delaware River and associated tributaries as a component of the National Wild and Scenic Rivers System; S. 1366, to authorize the Secretary of the Interior to construct and operate a visitor center for the Upper Delaware Scenic and Recreation River on land owned by the New York State; and S. 1569, to amend the Wild and Scenic Rivers Act to designate segments of the Taunton River in the Commonwealth of Massachusetts for study for potential addition to the National Wild and Scenic Rivers System, 2:30 p.m., SD–366.

Committee on Environment and Public Works: to hold hearings on S. 669, to amend the Federal Water Pollution Control Act to ensure compliance by Federal facilities with pollution control requirements; and S. 188, to amend the Federal Water Pollution Control Act to authorize the use of State revolving loan funds for construction of water conservation and quality improvements, 10 a.m., SD–406.

Committee on Finance: Subcommittee on Health Care, to hold hearings on S. 1327, to amend part E of title IV of the Social Security Act to provide States with more funding and greater flexibility in carrying out programs designed to help children make the transition from foster care to self-sufficiency, 2:30 p.m., SD–215.

Committee on Foreign Relations: Subcommittee on European Affairs, to hold hearings to examine expanding electronic commerce between Europe and the United States, 10:15 a.m., SD–419.

Committee on Health, Education, Labor, and Pensions: to hold hearings to examine pain management and improving end of life care, 9:30 a.m., SD–430.

Committee on Indian Affairs: to hold hearings on S. 1507, to authorize the integration and consolidation of alcohol and substance programs and services provided by Indian tribal governments, 9:30 a.m., SR–485.

Special Committee on the Year 2000 Technology Problem: to hold hearings on international year 2000 issues, 9:30 a.m., SD–192.

House

Committee on Armed Services, hearing on U.S. national missile defense policy and the Anti-Ballistic Missile Treaty, 10 a.m., 2118 Rayburn.

Committee on Commerce, to mark up the following: H.R. 2580, Land Recycling Act of 1999; H.R. 2634, Drug Addiction Treatment Act of 1999; H. Res. 278, expressing the sense of the House of Representatives regarding the importance of education, early detection and treatment, and other efforts in the fight against breast cancer; H.R. 2418, Organ Procurement and Transplantation Network Amendments of 1999; H.R. 2260, Pain Relief Promotion Act of 1999; and H.R. 11, to amend the Clean Air Act to permit the exclusive application of California State regulations regarding reformulated gas in certain areas within the State, 10 a.m., 2123 Rayburn.

Committee on Education and the Workforce, to continue mark up of H.R. 2, Students Results Act; and to mark up the following measures: H.R. 2300, Academic Achievement for All Act (Straight A's Act); and H. Res. 393, expressing the sense of the House of Representatives urging that 95 percent of Federal education dollars be spent in the classroom, 10 a.m., 2175 Rayburn.

Committee on Government Reform, Subcommittee on Government Management, Information, and Technology, hearing on a measure to amend the Presidential Transition Act of 1963, 10 a.m., 2154 Rayburn.

Subcommittee on National Security, Veterans Affairs and International Relations, oversight hearing of the Inter-American Foundation, 10 a.m., 2247 Rayburn.

Committee on International Relations, hearing on U.S. Policy Toward North Korea I: Perry Review, 10 a.m., 2172 Rayburn.

Subcommittee on International Economic Policy and Trade, hearing on Violations of Intellectual Property Rights: How Do We Protect American Ingenuity? 1:30 p.m., 2172 Rayburn.

Committee on the Judiciary, to mark up the following bills: H.R. 1801, Antitrust Technical Corrections Act of 1999; H.R. 3028, Trademark Cyberpiracy Prevention Act; H.R. 1714, Electronic Signatures in Global and National Commerce Act; H.R. 1887, to amend title 18, United States Code, to punish the depiction of animal cruelty; and H.R. 1869, Stalking Prevention and Victim Protection Act of 1999, 10 a.m., 2141 Rayburn.

Committee on Resources, hearing on the following bills: H.R. 2804, Alaska Federal Lands Management Demonstration Project; and H.R. 3013, to amend the Alaska Native Claims Settlement Act to allow shareholder common stock to be transferred to adopted Alaska Native children and their descendants, 11 a.m., 1324 Longworth.

Committee on Rules, to consider H.R. 2679, Motor Carrier Safely Act of 1999, 3 p.m., H–313 Capitol.

Committee on Science, Subcommittee on Space and Aeronautics, hearing on Commercial Spaceplanes, 2 p.m., 2318 Rayburn.

Committee on Ways and Means, Subcommittee on Human Resources, to mark up the Fathers Count Act of 1999, 10 a.m., B–318 Rayburn.

Permanent Select Committee on Intelligence, executive briefing on the FBI's Reexamination of Matters Pertaining to the Likely PRC Theft of U.S. Nuclear Secrets, 2 p.m., H–405 Capitol.

Next Meeting of the SENATE

9:30 a.m., Wednesday, October 13

Senate Chamber

Program for Wednesday: Senate will resume consideration of the conference report on H.R. 1906, Agriculture Appropriations, with a vote on adoption to occur thereon.

Also, Senate will resume consideration of the Comprehensive Nuclear Test Ban Treaty (Treaty Doc. 105–28), and any conference reports when available.

Next Meeting of the HOUSE OF REPRESENTATIVES

10 a.m., Wednesday, October 13

House Chamber

Program for Wednesday: Consideration of the conference report on H.R. 2561, Department of Defense Appropriations Act, 2000 (rule waives all points of order); and

Consideration of H.R. 1993, Export Enhancement Act of 1999 (modified open rule, one hour of general debate).

Extensions of Remarks, as inserted in this issue

HOUSE

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