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Senate

The Senate met at 10 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:

Almighty God, thank You for enabling us to be creative thinkers. We know that beyond our education and experience there are solutions to problems we will not think of without Your special gift of knowledge. We remember times when we have received this supernatural gift. You revealed answers to problems that we could not have achieved with our own analysis. We prayed faithfully and waited patiently and then the startling ''ah-ha!'' dawned on us. You gave us insights we could never have grasped by ourselves. By divine inspiration, You helped us know what was happening beneath the surface of perplexities. You allowed us to see what You see. We gave You the credit and the glory.

Now, as we begin this day, once again we confess how much we need this gift of knowledge. Unresolved problems have a way of piling up. Please use us to discover and communicate Your answers. Thank You for transforming our imaginations so they can be holy riverbeds through which You can pour Your creative ideas. Help us picture reality from Your perspective and then claim what You want. We look forward to an inspired day. Through our Lord and Saviour. Amen.

RECOGNITION OF THE MAJORITY LEADER

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

SCHEDULE

Mr. LOTT. Mr. President, this morning the Senate will immediately resume consideration of the motion to proceed to S. 543, the Volunteer Protection Act. By previous order, at 11:15 a.m. the Senate will vote on the second cloture motion to proceed to this bill, S. 543. As a reminder to all Senators, if that cloture vote fails, two additional cloture motions were filed last night and would be voted on, on Thursday. It is still my hope that the Senate will be allowed to move forward and begin consideration of this important legislation. In addition, the Senate could also be asked to turn to any other Legislative or Executive Calendar items that may be cleared.

VOLUNTEER PROTECTION ACT

Mr. LOTT. Mr. President, on this legislation, again, I want to emphasize to the American people that we are being prevented from even debating the real merits of this very important legislation, which would give some degree of protection to volunteers from being sued when they are not even remotely involved in what may have caused a lawsuit. If they are involved in some excessive action or some misconduct, they would still be subject to lawsuits, but this would give some degree of protection to volunteers.

I cannot help but again point out the fact that, at a time when there is this great conference in Philadelphia, the City of Brotherly Love, talking about voluntarism in America, how important it is to be involved with Little League, to be involved with reading, to be involved with the Boys and Girls Club, the Red Cross, the Salvation Army—be involved. Here, when we say, ''Yes, but one of the problems is that you run the risk of being sued; if your good will causes you to be involved as a volunteer you could wind up having legal action against you and we want to provide some protection against that''—the Democrats are filibustering the motion to proceed to the bill.

That is very curious. They say maybe it is related to other issues that have not been brought up. But the fact of the matter is, this is very clear. It is a very clear choice. Is the Senate going to go on record of supporting volunteers and giving them some reasonable protection against frivolous lawsuits, or are we going to side with the plaintiffs' lawyers who want to be able to sue everybody, anytime, anywhere they want to, even volunteers? We are going to have to choose.

So I want to serve notice to the Senate we are going to vote on this issue over and over and over, and we will not go to other legislation until this Volunteer Protection Act is passed.

You know, if there is going to be a lot of whining about we cannot do other things—this is important, fundamental legislation that tells an awful lot about whether we are honest about wanting to encourage volunteers and be helpful to volunteers in America.

I would like to address some questions to the distinguished Senator from Georgia, who has done such outstanding work on this legislation. I commend him for being prepared to come to the floor of the Senate and point out what is actually in the bill. I put down some of the ridiculous allegations that I have heard against the bill yesterday, about who might be covered by this. You have stood here and you have answered the questions. You have told the truth about what is in the bill. You have been prepared to work out problems that might exist, although it does not look to me like anybody is really very serious about addressing concerns they may or may not have. So, I thank you on behalf of the volunteers of America for volunteering to stand here in the Senate and do battle for them. You have done a great job. I have heard a lot of other good speeches from our colleagues out here in the Senate, Senator ASHCROFT—I encourage others to come over and engage in this debate.

But would you answer for me this question? First of all, is this going to

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protect volunteers who are involved in misconduct in any way from legitimate lawsuits?

Mr. COVERDELL. First of all, I thank the leader for focusing on this important measure this morning. I think you have pointed out what to me has been a startling irony, that the administration is calling on thousands of Americans to step forward and then sends a team down here to trip them if they do.

The answer to the question is absolutely not. First of all, it is only 12 pages long and it is very precise. If you are involved with misconduct, reckless conduct, gross negligence, driving under the influence, a hate crime, a sex crime, a civil rights crime—this legislation offers you no protection. What it does is it deals with the volunteer who steps forward and makes a simple mistake or omission in the act of being that volunteer. It would grant protections, limited protections to a volunteer in that circumstance.

It was suggested yesterday that organizations who promote hate would somehow find a shield in this measure. That was disappointing. I did not think that had a real place in the debate. Nevertheless, it was brought up and it is absolutely incorrect. No organization—they specifically alluded to the Ku Klux Klan—given the definition of an organization here, there is not a jury or a judge in America that would find that definition to include the Ku Klux Klan.

Mr. LOTT. If the Senator from Georgia will yield, it is pretty clear and narrowly defined, as I read it. It would be applicable to volunteers or any category of volunteers in the performance of services for a nonprofit organization or governmental entity; and (2) nonprofit organizations or governmental entities. That is pretty narrow in its applicability.

But let me ask you, are you telling me that there are examples in America where individuals who get involved with the Salvation Army or get involved with Little League Baseball literally are being sued?

Mr. COVERDELL. Absolutely. It is not so much a case of the judgments. It is a case of the threat of the suit and what it can do to you. The best example is listed here where a man who is part of a rescue team rescued an individual who had fallen off a ledge and was paralyzed. The person who was rescued by that rescue team sued the rescuers for $12 million.

It was ultimately thrown out of court. But it has had a chilling effect on people. You come forward, you want to volunteer, but you don't want to put your family's business or assets at risk for doing that.

Mr. LOTT. Who is opposed to this legislation? What is the reason for opposing it? I cannot understand it.

Mr. COVERDELL. Let us look at the lineup here. I read a letter yesterday I have from Little League Baseball. You have the United Way, the Red Cross, the Navy League, the Air Force Association, the American Society of Association Executives. Who is on the other side here? What is the cast? It is those among the trial attorneys who simply cannot abide that there be any reform at all, including volunteers, from the protection of these kind of suits. That is never mentioned. But that is where the opposition is.

We had a case from Senator SANTORUM who, in the last Congress, finally got the Emerson bill passed, which protected people who were giving food to homeless and starving people. It took the entire session and it was finally passed by unanimous consent in the waning hours of the last Congress—the same opponents.

So here we are, trying to make it possible for Americans to respond to four Presidents: Clinton, Bush, Carter, and Ford; and here they are trying to block it.

Mr. LOTT. I thank you again for your effort. I am hoping we will begin to see a break in the stonewall against the motion to proceed to the bill today and that we will have some Democrats join in getting cloture so we can go on and finish our discussion of the bill and get to a final vote. I think that will happen because I think all of us really want to encourage voluntarism and I think this legislation will help that all across America.

Then we can go on, either later on this week or next week, to take up some nominations that are pending on the Executive Calendar and be prepared on Monday to go to the supplemental appropriations bill. It is our intent to move forward with that legislation. There is a lot of complaining now that there may be some amendments in committee or amendments offered on the floor. What's new? This is the U.S. Senate. Any Senator, he or she, can offer an amendment. We can debate it. And there are those who say, ''If you offer certain amendments or if there are certain things in the bill, we are going to filibuster those items and hold up the bill,'' and then they say we are holding up the bill.

I am saying now the Appropriations Committee will do its job today or tomorrow and report out the supplemental appropriations bill, hopefully in a way that will pay for the cost of the bill, for the most part. And then we will be prepared to begin on Monday and I will be prepared to have the final vote Tuesday or Wednesday. If we have to, we will file cloture to try to cut off a filibuster on items that may or may not be in the bill. And we hope to be able to complete it Wednesday or Thursday of next week.

With that, I yield the floor.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER (Mr. SMITH of Oregon). Under the previous order the leadership time is reserved.

VOLUNTEER PROTECTION ACT OF 1997—MOTION TO PROCEED

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of the motion to proceed to S. 543, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 543) to provide certain protections to volunteers, nonprofit organizations, and governmental entities in lawsuits based on the activities of volunteers.

The Senate resumed consideration of the motion to proceed.

The PRESIDING OFFICER. The time between 10 a.m. and 11:15 a.m. shall be divided equally between the Senator from Georgia [Mr. COVERDELL] or his designee, and the Senator from Vermont [Mr. LEAHY] or his designee. The Chair recognizes the Senator from Georgia.

Mr. COVERDELL. Mr. President, I did not expect the majority leader to invest the time, which I very much appreciate his having done, to frame the nature of the situation we have here. But, just to restate it for those who may be listening, in response to the summit on voluntarism, we have brought to the Senate floor a very specific proposal, legislation, to make it easier for Americans to volunteer. We have moved to bring it before the Senate and the other side is filibustering that motion in order to prevent our taking action on this Volunteer Protection Act.

As I said in response to the leader, this is legislation that has been before the Congress in one form or another for almost 12 years, and has been consistently rebutted by the hierarchy of the Trial Lawyers Association. It is 12 pages long and it gives modest protection to volunteers who step forward in the 600,000 organizations across our land who try to promote the interests of those in need, whether they are children, the elderly, the illiterate, the wounded, or those who have been affected by the very flood we are talking about in the Midwest.

We have appeal after appeal from organization after organization requesting the legislation. They are having volunteer members of their boards of directors resign, because while they want to help, they do not envision taking all their family business and all their family assets and putting them in a lottery, so they resign.

When the organization asks for a mother or father to step forward and coach Little League Baseball, they hesitate, because they have read about these illogical but, nevertheless, real lawsuits against volunteers. Often, the organization has no assets at all, but one of the volunteers does. And so the suit goes straight to the individual who has accumulated, for whatever reason, some resources, some wealth. They are at particular risk because they have what is called deep pockets. They are chilled from coming forward. Often these people are very talented, high capacity, but they are chilled away; they are cautioned away.

I told the story several times on the floor of Terry Orr of the Washington Redskins. When he came to play for the ball club, senior team members brought him immediately in to help with the inner-city problems, with the children, which he did. Then he matured, and he took on the responsibility and went to the rookies. What did he hear? ''Well, wait a minute.'' First question, ''What is the liability? How much at risk am I?'' He found himself talking to attorneys, and he could not bring the same energy and resource that he had seen when he first came to the team.

This is a rather new phenomenon. This has not been a part of American life until recently; in fact, until the 1980's. Lawsuits directed at volunteers, you could not count them on a hand, but in the eighties, several celebrated cases suddenly made the volunteer a new target. Throughout the eighties, we saw the number of Americans who were willing to volunteer shrink. We have seen the financial resources that have to be invested in protecting the volunteers grow, at the expense of the programs for which they were designed. For example, the Washington, DC, Girl Scouts have to sell 87,000 boxes of cookies to pay the premium for the protection of the volunteers—not to help the Girl Scouts, but to pay the premium to protect the volunteers. And we have seen volunteers leave the scene, resignation after resignation.

This legislation, this very narrow and targeted piece of legislation, protects those volunteers, makes it easier for them to answer the call of the Presidents at the summit and will reduce the overall expenditure of the organizations trying to do good service and good work in our Nation.

I might add that voluntarism, as I said yesterday, is uniquely American. It is a quality that has been noted by every nation about the American people. It really is near the heart and soul of who we are. It does not happen this way in most countries in the world. As the President knows, I was Director of the U.S. Peace Corps, and I had a chance to see it right up close. It is an American miracle, and it ought to be protected and cherished and nourished in every way that it can. I find it the irony of ironies that after that summit, we introduce this legislation and we are caught in a filibuster from the other side to keep this from being acted on.

Mr. President, I see that I have been joined by my colleague from Wyoming, and I know that he has wanted to speak on this. I yield such time as he might need to speak on this proposal.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. Mr. President, thank you. I thank the Senator from Georgia for this important piece of legislation. I rise to join my colleagues and friends in supporting the Volunteer Protection Act of 1997. This bill aims to protect one of the bulwarks of our democratic Government, and that is America's volunteers. That is the foundation of the United States. That is a principle that we have been working on for a long time. We seem to be losing a little of the momentum that our forefathers had in the area of voluntarism, and part of that has to come out of fear.

Earlier this week, I had the opportunity to preside over the Senate for several hours. During that time, I was amazed at the direction of this particular debate. While my Republican colleagues have been working to achieve meaningful legal protection for volunteers, one Democrat after another has paraded on to the Senate floor to discuss matters absolutely unrelated to protecting volunteers from frivolous litigation. I have heard speeches on the budget, on flood relief, on Medicare and on Alexis Herman, just to name a few. But I have not heard any meaningful discussion by my colleagues across the aisle on protecting America's volunteers.

It is time that we get serious about helping our Nation's volunteers, and this is not going to happen by wandering into these other various and sundry tangents.

I heard the debate on the budget. The budget is not this debate. The budget is still being negotiated, and I understand that is going well, but it is not possible for us to debate the budget on the floor right now. It is not being held up by this piece of legislation, which should only take a little while to debate and pass.

I heard them talk about the supplemental budget, and a portion of that, of course, is emergency relief, and it is important. It is important in my State as well as for the people who have debated this. But that is not before this body either. That is in committee, and the issues that have been raised on that are not ones that are being affected by this debate.

I have heard discussions on Medicare and Alexis Herman. Alexis Herman may be more at the center of this delay than anything else that has been brought up.

Right now, there is a hearing taking place on a bill that will solve the Executive order. Hopefully, that bill will get a quick hearing—it appears to be—and it will be brought over here and will undo any misconceptions that there might be on the Alexis Herman situation, which appears to be a basis of a major Presidential change since the hearings were held in committee.

Those hearings were held, but the President has changed the momentum of his policy with labor since the time of those hearings, but that is not a part of this debate either. We have not had any debate from the other side of the aisle about protecting our volunteers. Instead, we have had a filibuster on a motion to proceed. This is not even the bill itself, this is just the motion to proceed. I assume we will have another filibuster when we get to the bill itself.

This is a country of the people, by the people, and for the people. We are a volunteer country, or we used to be. We are becoming a country of mercenaries. We are beginning to pay people to volunteer. Can they truly be called a volunteer if they are paid to do that? And if we begin to pay and pay constantly, will we ever have true volunteers?

We talk about the momentum of volunteers, and that has been a long and proud tradition in the United States. Volunteer organizations represent a distinctly American manner of living, living out the golden rule by strengthening our neighborhoods, our schools, and our churches.

When I was mayor of Gillette, we had tremendous growth, more than doubled in size, and we needed everything basic that a community could possibly have. That included mostly water and sewer and streets. We did not have money for parks that the people moving there wanted. We got an intern from the University of Wyoming to sit down with any group that wanted a park, and he would design a park for them. The catch was they had to build it, and they did. We built seven parks in one summer with volunteers. These were young people who were moving into a boom community. If they had known about liability, I do not know that they would have participated.

I spent 10 years as a soccer coach. I am not sure today I would be a soccer coach. I don't think I could take the liability. I have worked with Boy Scouts. It has become such a litigious society that the Boy Scouts now have requirements that any time there is a boy working on a project, there have to be two adults around, and that is to prevent lawsuits. The Boy Scouts used to have annual Christmas tree sales in Gillette. When I went to serve with my son selling Christmas trees, I had to have another adult along, because of our litigious society. That definitely discourages volunteers.

Volunteer organizations have strengthened and nourished the lives of our citizens and influenced every facet of our culture. A brief reflection on the myriad of volunteers and volunteer organizations that serve our fellow citizens should remind us of their tremendous value. The volunteers of the Salvation Army help feed and clothe the less fortunate and provide Christmas gifts for thousands of children every year. Meals on Wheels has for years provided more meals and conversation to many of our Nation's homebound. Habitat for Humanity has helped revitalize our inner cities by providing privately owned houses for the Nation's poor. Mother Theresa's Missionaries of Charity cares for thousands of dying AIDS patients and unwed mothers in the poorest neighborhoods across the country.

I could go on and on with the Jaycees, Lions Clubs, the Kiwanis, the Rotary and the Optimists. The Boy Scouts and the Girl Scouts help instill in children the virtues of responsibility and enterprise, while Little League and youth soccer leagues teach children the

values of team cooperation and hard work.

Volunteers in these organizations, and countless others, have given generously of themselves in order to help their neighbors and better their communities. Unfortunately, even these volunteers have fallen prey to our suit-happy legal system. Lawsuits, in recent years, have resulted in enormous verdicts against volunteers and nonprofit organizations. Too often these suits are for what most of us would consider frivolous claims that penalize volunteers who are simply doing their jobs.

The threat of costly litigation and large verdicts have frightened many good citizens away from giving their time and energy to volunteer organizations. It is time to curb that trend. The Volunteer Protection Act would relieve a volunteer from liability if the volunteer is acting within the scope and responsibility and if the volunteer is properly licensed, certified and authorized by the State in which the harm occurred, if such authorization is required.

It also limits punitive damages that may be awarded against volunteers and nonprofit organizations for the actions of the volunteers. This bill does not protect volunteers from liability for actions which are willful or criminal or which involve gross negligence. As such, this bill strikes a healthy balance. It provides broad protection for volunteers who are performing their duties, while still allowing people to recover against volunteers who cause harm from acts that are willful, criminal or grossly negligent.

Mr. President, it is time to restore some sanity to our tort system. Let's begin by protecting our Nation's volunteers from the slings and arrows of outrageous litigation. I urge my colleagues to join me in supporting the Volunteer Act.

As we were growing up, we were taught to do what is right, to do our best, to treat others as we wanted to be treated, to take the common courtesy of asking others what they need to have done, and in America, we not only ask what they need to have done, but people follow up on that, not to the degree that we could, not to the degree that we used to.

My mother always taught me that service is the price that you pay for the space that you take up on this Earth. The service concept in this Nation is a foundation that we have to continue to promote, and our system of litigation has taken that away from us. Let us restore service and voluntarism in this country and give some protection.

I yield the remainder of my time.

Mr. BINGAMAN addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

Mr. BINGAMAN. How much time remains on the Democratic side?

The PRESIDING OFFICER. Thirty-one minutes.

Mr. BINGAMAN. I yield myself such time as I will consume out of that 31 minutes.

Mr. President, when I hear the debate here on the floor, it strikes me that anyone who is watching or listening to this debate must think that we are talking past each other. It must appear that we do not seem to be able to engage on any one subject. One Senator comes to the floor and talks about voluntarism, the need to protect volunteers from liability; another Senator talks about Alexis Herman, the President's nominee for Secretary of Labor and the need to get that nomination confirmed. People cannot understand why we are not talking about the same thing.

Let me just give my perspective of where we are.

On the Democratic side, the position that many of us are taking is that we should not be going ahead with business as usual in the Senate on the last day of April unless we can get the majority to agree to allow a vote on the President's Cabinet nominee. We are getting fairly far into this year.

The President, several months ago, nominated Alexis Herman to be the Secretary of Labor. In the Labor and Human Resources Committee we voted unanimously to recommend to the full Senate that she be confirmed for that position. Just in the last couple of weeks we have been told that vote will not be taken on the Senate floor, we will not have a chance to vote for her confirmation because some on the Republican side disagree with the President's Executive order on another issue related to project labor agreements. He issued an Executive order on that subject which they did not agree with.

Mr. President, I strongly support the nomination of Alexis Herman to be our Secretary of Labor. Our committee, the Labor Committee, did report that nomination to the full Senate for consideration. We did so unanimously. This was not a Democratic vote and Republicans opposed. It was a unanimous vote. Unfortunately, we have not been able to go ahead and take that vote on the Senate floor.

When I tried to put this in some perspective—I have served here in the Senate with three different Presidents in the White House. President Reagan, when he was in the White House—of course, much of the time that he was there the Republicans controlled the Senate, so an issue like this never arose. But there were 2 years during which he was President when the Democrats controlled the Senate. I am not aware of any occasion where we refused to allow a vote on one of his nominations because we disagreed with one of the policies that President Reagan was pursuing. We certainly disagreed with many of his policies, but I cannot recall any occasion where we refused to go ahead and permit a vote on one of his nominees in order to gain leverage and force him to change a policy.

The same thing with President Bush. When President Bush was in office, of course the Democrats controlled the Senate during that time, and he nominated his Cabinet members. I do not recall any effort on the Democratic side to refuse to allow a vote on those Cabinet Members. I think everyone agreed that the election was over, the President had the right to choose his own Cabinet, and that we in the Senate could object to some of those Cabinet individuals and we could vote no on their nomination, but we certainly would not deny the President the right to a vote on those Cabinet members.

So I see what is happening here with Alexis Herman's nomination as sort of unprecedented, clearly unprecedented in the time that I have been here in the Senate in the last 14 years.

I understand that some of my colleagues are opposed to the administration's plans to issue an Executive order on project labor agreements. I know that many of my colleagues may have fundamental disagreements about the appropriateness of that Executive order. This is, in my view, simply not adequate grounds for refusing to go ahead and have a vote on his Cabinet nominee.

I personally support the administration's proposal on project labor agreements for a variety of reasons. And we can have that debate when the issue comes up. As my friend from Wyoming, my colleague from Wyoming, indicates, there is a bill being considered. Fine. Let us get a piece of legislation out here. Let us have a vote on it. Let us do whatever and send it to the President, and perhaps we can persuade him to sign something if we can get agreement on something that seems reasonable.

But the Executive order on project labor agreements has nothing to do with whether or not the President should be able to appoint his own Cabinet. We should allow him to do that. We should certainly allow a vote on the Senate floor on those Cabinet nominees. If the majority wants to turn down a nomination in order to make some point, clearly that is a course they can pursue. But to deny a vote on the Senate floor in order to try to register a complaint about the President's policy, I think, is improper.

Ms. Herman presented herself extremely well to the Labor Committee. She honestly and fully answered all questions put to her. I think she won over several Senators who might have thought, going into that hearing, that they might not support her. She will be a strong advocate for working families. She will work hard, I am persuaded, to help our country prepare for the next century. Her record of public service, her record of caring about people on issues that come before the Department of Labor, which is unquestioned, her commitment to serving her country are the reasons why all of us, as I said on the Democratic and Republican side, in the committee joined to send her nomination to the floor.

I know that if we get a vote on the Senate floor, it will be an overwhelming vote of support for this nominee because all of the Senators I have talked to believe she would be a good Secretary of Labor.

The working families of this country deserve to have someone in that position which is a very important position at this time in our history. It is getting late in the legislative year. We need to go ahead and allow the President to put his own nominee in there so that he can proceed with his agenda.

I say there will be many opportunities over the course of this year and next year throughout the 105th Congress where we will debate issues such as project labor agreements here on the Senate floor. I think that is entirely as it should be. But I do not think it is appropriate for us to proceed with business as usual on the Senate floor while refusing to allow a vote on the President's nominee for Secretary of Labor.

So that is the basis for my objection to proceeding on this bill that is pending before the Senate today. I think it is a credible piece of legislation which should be debated and should be seriously considered by the Senate. But it should be seriously considered by the Senate in a circumstance where we are allowing the Executive branch and allowing the President to go ahead and name his Cabinet. It is too late in the year for us to be playing the kind of cynical game that is going on here in denying a vote for this Secretary of Labor.

So I urge my colleagues to join on a bipartisan basis to bring that nomination to the floor and have that vote and then proceed to consideration of this other legislation and then proceed to the consideration of a great deal of other legislation that we should be getting on with.

I think it is clear that the Senate is rudderless at this point. We have very little on the Senate agenda. We look ahead to the next 2 or 3 weeks, and I do not see a great deal of constructive activity going forward here unless there is much more in the planning than I am aware of. But I do think the least we can do is to go ahead and get one important nomination up and vote on it at the soonest date possible.

Mr. President, I yield the floor and reserve the remainder of our time.

Mr. COVERDELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. COVERDELL. How much time remains on both sides?

The PRESIDING OFFICER. There are 14 minutes on the Republican side and 21 minutes on the Democratic side.

NATIONAL ERASE THE HATE AND ELIMINATE RACISM DAY

Mr. COVERDELL. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of Senate Resolution 78 and the Senate proceed to its consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 78) to designate April 30, 1997, as ''National Erase the Hate and Eliminate Racism Day.''

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

Ms. MIKULSKI. Mr. President, I rise today in support of Senate Resolution 78, which would designate April 30, 1997 as ''National Erase the Hate and Eliminate Racism Day.'' I am proud to be a cosponsor and am pleased we have acted today to pass this resolution.

While I believe it is important to set aside a day for special focus on fighting hatred and bigotry, this cannot be a 1 day event. That is why this resolution calls on every American to practice tolerance and to take a strong stand against hate crimes and violence in their communities each and every day.

I commend my colleagues, Senators BAUCUS and BURNS, for introducing this important legislation. This legislation will bring awareness to what is an unsettling trend in this country—the increasing incidents of hate crimes and the growing occurrences of discrimination.

I am greatly disturbed that hate crimes are on the rise. We saw evidence of that rise in the burning of African-American churches around the country, which apparently was motivated by racism. We saw it in the bombing of the Federal building in Oklahoma City, which was reportedly motivated by anti-government hatred.

We've read and seen reports in the media about hate crimes. We've witnessed the violent attacks against individuals because of their race, gender, sexual orientation or their beliefs. It's evident in the increasing number of individuals in this country who have joined fringe groups like militias and other hate groups. We've also seen it in the growing anti-immigrant sentiment in our country. As the granddaughter of immigrants, I find this particularly repugnant.

I recently met with a group of Asian-Pacific-American community leaders from my State of Maryland. They shared with me very compelling stories about discrimination that is faced each and every day by Asian-Pacific-Americans. Unfortunately, I hear this all too often when I meet with minority groups.

Asian-Pacific-Americans in Maryland are concerned about their right to participate in the democratic process. They shared with me their fears that their right to engage in campaign electoral activities is being questioned, simply because of a few cases of alleged campaign fundraising abuses purportedly committed by members of the Asian-Pacific-American community.

I have seen reports that indicate hate-motivated attacks on Asian-Pacific-Americans have grown more than 38 percent since 1993. I find that appalling. Violence against Asian-Pacific-Americans, as with other minority groups, is bred by stereotypes, discrimination, and tensions in communities.

I am concerned about what is happening in our country. It's inconceivable that more than 30 years after the passage of the Civil Rights Act of 1964, we are still grappling with racism in this country.

This plague of hatred has spread and reached our youth. A young African-American boy in Chicago was brutally attacked recently by a group of white teenagers. What happened in Chicago is one of the most brutal acts we have witnessed in recent years. It is even more appalling that the perpetrators were young teenagers.

We need to educate our youth on tolerance. We need to teach them not to hate and not to discriminate. We need to start this process early.

My State of Maryland is becoming more ethnically diverse. I meet with minority groups in my State often and they share the same concerns. They are concerned about the climate of hate in our society. They fear discrimination in schools and in the work force. And most importantly, they are concerned about their children and their children's future. If this plague of hate continues in our country, what kind of future are we ensuring for our most precious resource—our children?

We have to change the negative attitudes and perceptions in this country about minorities. We have to eliminate the persistence of violent hate crimes against racial, ethnic, and religious groups.

To succeed in making our society free of hate, racism, and discrimination, we have to take a stand that we will not tolerate random acts of hate, subtle and overt racism, and widespread discrimination. I am committed to doing my part. This is a commitment that has to be made by everyone.

I believe that this resolution will send the message that we will no longer tolerate hate and discrimination in this country. I urge my colleagues to support this resolution.

Mr. ABRAHAM. Mr. President, I rise today to offer my support as a cosponsor to Senate Resolution 78. This resolution designates April 30, 1997, as National Erase the Hate Day.'' I support this resolution because it not only designates a day to focus on solutions to hate crimes, but also calls upon all nations, States, neighborhoods, and communities to take a stand against these hate crimes.

As I have stated many times, ours is a nation of immigrants consisting of people from various racial, ethnic, and religious ancestries. People came here from around the world to become part of a nation of independence, opportunity and freedom. There should be no tolerance or acceptance of any crimes—especially those crimes which target their victims simply because of

their race, ethnicity, or religious background.

The Leadership Conference on Civil Rights has published the first comprehensive summary of hate crimes in America. Their publication, Cause for Concern, Hate Crimes in America, provides a number of examples of hate crimes that have resulted in injury or even death to innocent people solely on account of their racial and other makeup.

For example, on June 11, 1995, arsonists burned down the home of a Latino family in the Antelope Valley, CA, city of Palmdale. They spray painted ''white power'' and ''your family dies'' on the walls.

In August of 1992, a 19 year old Vietnamese American pre-med student in Coral Springs, FL, was beaten to death by a mob of white youths who called him ''chink'' and ''Vietcong.''

And, in Oklahoma City, following the bombing of the Federal office building, an Iraqi refugee in her mid-twenties miscarried her near-term baby after an April 20 attack on her home. Unknown assailants pounded on the door of her home, broke windows, and screamed anti-Islamic epithets.

Mr. President, there is no room in our country for these kinds of crimes. We must not allow them to continue. We currently have Federal laws against hate crimes. Further, the Leadership Conference on Civil Rights reports that 47 States and the District of Columbia have passed their own hate crime laws. Among other things, these laws ban vandalism against religious institutions such as churches, synagogues, and mosques.

It is my sincere hope that this resolution will inspire more people to stand up against all hate crimes in all their forms.

Mr. COVERDELL. 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 that any statements relating to the resolution appear at this point in the RECORD.

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

The resolution (S. Res. 78) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, is as follows:

S. RES. 78

Whereas the term ''hate crime'' means an offense in which one or more individuals, commits an offense (such as an assault or battery (simple or aggravated), theft, criminal trespass, damage to property, mob action, disorderly conduct, or telephone harassment) by reason of the race, color, creed, religion, ancestry, gender, sexual orientation, physical or mental disability, or national origin of another individual or group of individuals;

Whereas there are almost 8,000 hate crimes reported to the Department of Justice each year, and the number of hate crimes reported increases each year;

Whereas hate crimes have no place in a civilized society that is dedicated to freedom and independence, as is the United States;

Whereas the people of the United States must lead and set the example for the world in protecting the rights of all people;

Whereas the people of the United States should take personal responsibility for and action against hatred and hate crimes;

Whereas the Members of Congress, as representatives of the people of the United States, must take personal responsibility for and action against hatred and hate crimes;

Whereas the laws against hate crimes, which have been passed by Congress and signed by the President, must be supported and implemented by the people of the United States and by Federal, State, and local law enforcement officials and other public servants: Now, therefore, be it

Resolved, That the Senate—

(1) designates April 30, 1997, as ''National Erase the Hate and Eliminate Racism Day''; and

(2) requests that the President issue a proclamation calling upon the people of the United States and throughout the world to recognize the importance of using each day as an opportunity to take a stand against hate crimes and violence in their nations, states, neighborhoods, and communities.

Mr. COVERDELL. Mr. President, I suggest the absence of a quorum and ask unanimous consent that the time be equally divided on both sides.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

VOLUNTEER PROTECTION ACT OF 1997—MOTION TO PROCEED

The Senate continued with the consideration of the bill.

Mr. COVERDELL. Mr. President, I yield up to 5 minutes to my good colleague from Iowa.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I rise in support of this legislation. There is—and the public knows this better than we do—a lot of legislation we debate on the floor of this body that might make sense in Washington, but does not make sense outside of Washington. We spend a lot of time debating legislation that does not make a difference in people's lives. This bill, S. 543, not only expresses American common sense—at least from my part of the country, Midwestern common sense—but it also says no to Washington nonsense.

This bill gives me an opportunity, at the same time, to compliment the Senator from Georgia for the outstanding work that he is doing in this area.

Debate of legislation that solidly promotes voluntarism is an example of Congress spending some of its time to get something done where there is a real reward. It is an example of the taxpayers' money well spent, to pay us to write legislation that will encourage Americans to do what we have a tradition of doing in this country—volunteering.

I am sure Alexis de Tocqueville has been quoted on the floor of the Senate often during the debate of this bill. One observation that the French nobleman made when he came to this country in the 1830's to study our new system of government, was the American tradition of voluntarism that he saw in our churches and in our volunteer societies—or as he termed them ''societies of cooperation.'' He believed that one of the wonderful and unique aspects of our society was that neighbor helps neighbor. Yet, now our society has impediments to this tradition of voluntarism, to this neighbor helping neighbor.

Our good friend from Georgia has a solution that restores the voluntarism that de Tocqueville observed. This very important legislation will remove one impediment to voluntarism in America. This bill will lessen the threat of a lawsuit for volunteers and their organizations. So here we are today discussing some legislation that is common sense. We are wisely spending our time and energy debating legislation that would provide to the taxpayer, in volunteer hours, more return on the taxpayers' dollars than anything we do.

I come here to support the Volunteer Protection Act of 1997 and to compliment Senator COVERDELL. This legislation has two important benefits. First, it promotes voluntarism. It promotes voluntarism at the time of the big volunteer crusade in Philadelphia. Praise the Lord for the people that were involved in that because that was a very worthwhile project and it was bipartisan. The Congress can do something through this legislation that will help that effort as well. So this legislation promotes voluntarism, and it also enacts much needed tort reform.

Volunteers are vital to the health and welfare of our communities, States, and our Nation. We all rely on the kindness of friends and strangers. Volunteers are often these people, whether we see them or not, who bring meals to the homebound; who clean up trash along our highways; who respond to natural disasters. I will point out just a few recent examples.

The United Way of Central Iowa rallied 2,500 volunteers—nearly twice as many as in 1995—to complete 97 projects. Among these volunteers was a troop of Brownies who baked brownies for the children and families at the local Ronald McDonald House.

At the American Red Cross homeless shelter in Rockford, VT, 47 volunteers, including 15 shelter residents, painted and cleaned the shelter, dug a new pathway in its yard, and picked up litter in the neighborhood.

The George Washington High School swim team in Danville, VA, gave an hour of free swimming lessons to 60 nonswimmers in grades 2 through 4.

In Detroit, MI, kids from University CAMP and Detroit Country Day School painted, cleaned, and removed graffiti and boarded up vacant homes.

The Men's Club of Oakland Methodist Church in Maryville, TN, installed carpeting and built a wheelchair ramp for a needy family whose 8-year-old daughter is in a wheelchair.

These are only a few of the volunteers whose efforts have come to my attention. This is just a sampling of what volunteers give to our communities. We have an obligation to these volunteers and to their organizations beyond the casual ''thank you.'' If they are going to make these efforts, we must do everything in our power to enable and encourage them. We owe it to them to make their burden lighter and their jobs easier. We owe it to the organizations to make it as easy as possible for them to recruit volunteers. We must lower the risk incurred by volunteers and their organizations.

This bill lowers the risk. It limits potential liability for volunteers and their organizations. It is only fitting that we pass this legislation for all of the volunteers and their organizations who put forth the sweat and the labor to accomplish so many good deeds. It is simply fair and equitable. That is what this legislation is all about.

I am a senior member of the Senate Judiciary Committee and chairman of the subcommittee with jurisdiction over this issue. I can tell you from my experience in this position that this is badly needed reform. The purpose of our civil court system is to establish liability and to compensate the injured. It does not always accomplish this now. I believe that our court system needs reform, including punitive damage reform. Punitive damages are an unpredictable risk for companies and volunteer organizations. They are sometimes a windfall to those less injured, while the truly injured do not receive the same financial amount. Our court system should not be a lottery but, instead, should award all who are similarly injured with similar compensation. Likewise, those punished should be punished equally for similar transgressions.

This bill does not accomplish all of the needed reforms for the system. However, it is a solid first step. It will give the volunteer community some certainty of the risks that it faces. It does not relieve anyone of liability for conduct that is criminal, grossly negligent or reckless. It continues to hold those who intentionally commit wrongdoing liable for such acts. It is a good, fair bill that will boost the volunteer community and volunteers.

So I strongly urge all my colleagues on both sides of the aisle to think of the volunteers that they know, the people represented by the President and ex-Presidents and by Colin Powell in Philadelphia, the people they have met along the way, as well, and perhaps even volunteers who personally helped them. That is what this bill is all about. It is about volunteers and not about trial lawyers.

As everyone on this floor knows, the highly paid trial lawyers have set out to stop this bill. Of course, too many in this body, particularly a large majority on the other side of the aisle, are doing the trial lawyers' bidding, as you can see from the opposition to this bill. The trial lawyers want to stop this bill because it will cost them money. It will reduce their legal fees in most cases when they are suing a volunteer or volunteer organization. But this bill is not and should not be about trial lawyers and not about trial lawyers' compensation. This is a bill about what America is about, about volunteering and about volunteers. It is about the people who do things that they do not even want to be thanked for; it is about selfless people who give of their time and give it freely to those in need.

It is to these people that we owe something. That is what the Philadelphia conference was all about. We owe it to the volunteers to make their jobs easier. That is what this bill does. I ask my colleagues to put volunteers ahead of trial lawyers and to support this bill.

I yield the floor.

Mr. COVERDELL. Mr. President, I thank my colleague from Iowa for his long work in this area of legal reform and for his comments here today. They were particularly thoughtful.

How much time remains?

The PRESIDING OFFICER. One minute, twenty seconds.

Mr. COVERDELL. Mr. President, a very brief rebuttal to the argument we just heard from the Senator from New Mexico. He said the holding of this Cabinet nominee was unprecedented. I cannot speak to that one way or another. I have only been here 4 years, but I can say that the actions of his President, our President, are also unprecedented. An Executive order that totally rewrites labor law and obviates the Constitution is unprecedented and has no standing, in my judgment, in this debate—none.

I think the Senator from Iowa said it eloquently. This is one we do for the volunteers.

Mr. LEAHY. Mr. President, as I said yesterday, I believe that the goal of encouraging voluntarism is a laudable one. I stand ready to work with others on a bipartisan or nonpartisan approach to doing so. This bill, S. 543, is not the answer and appears not even to ask the right question. It is flawed and would benefit from attention through the normal legislative process of hearing, public comment, review, committee consideration, amendment and report, and Senate action. Instead, the majority is trying to force this bill through the Senate to catch the train of press coverage on the Presidents' summit on America's future.

The contrast between what has taken place in Philadelphia and here in Washington could not be more stark. In Philadelphia, thousands of volunteers and activists are joining with leaders who have served as Presidents from both major political parties, First Ladies, involved celebrities, and corporate sponsors. The summit may well spark a renewed dedication among the millions of Americans to get involved to make a difference.

Ours is a tradition rich in neighbor helping neighbor and citizen service. The honest involvement of so many and the commitment to improve the lives and futures of 15 million children is extraordinary.

By contrast, this week the Republican controlled Senate simply cannot abide the nonpartisan events in Philadelphia. I do not know whether it is the involvement of Gen. Colin Powell, Nancy Reagan, George and Barbara Bush, or President Clinton and Mrs. Clinton that is driving the Republican leadership bonkers, but something has. Is it not possible that something happening outside of Washington can have meaning to millions of Americans without congressional Republicans having to insert themselves for partisan gain. I asked yesterday why we are being forced to take up the ill-considered S. 543. The answer is because the Republican leadership says so. Otherwise, they might miss out on claiming credit in connection with this week's activities in Philadelphia. I guess in their minds nothing happens that does not involve their political agenda. Voluntarism should not be about politics. The summit was not partisan and about politics. Unfortunately, this heavyhanded effort is purely partisan.

I suggest that the 130 cosponsors of all political persuasion who have joined in the approach outlined by H.R. 911 may have a better idea. It is much less of the Federal Government knows best approach that is embodied in S. 543. Indeed, I suspect that sometime soon the Republican majority will try to snuff out this alternative approach to the excesses of S. 543. The House bill is too acceptable an alternative, too widely supported to be tolerated in these partisan times. Only a bill with a pure Republican pedigree will be tolerated in this 105th Congress. How quickly the Republican leadership has forgotten the lessons of legislating through bipartisan cooperation for the good of the country.

Why is the Federal incursion into State law and local volunteer activity needed? Why is this bill the top priority for Congress? Why has the majority leader threatened to shut down the Senate until this particular bill is passed and devoted an entire week to it? Well, the bill purports to protect volunteers from ''liability abuses.'' Voluntarism is at an all-time high according to the Wall Street Journal—and that was before the summit in Philadelphia. This morning the principal sponsor of the bill and the majority leader clarified that it is not so much that judgments are being awarded against volunteers or volunteer organizations but that there is a threat of suit. If that is so then why are we being forced to adopt broad-based Federal standards, which by the way will

not prevent the filing of lawsuits but only provide a series of Federal law defenses based on factual proof after hearings?

Why not, instead, encourage the States in their efforts to allow or require indemnification of volunteers for the costs of suit? That is what Georgia and Vermont and many other States have already done.

Where are the outrageous jury awards against charitable organizations that threaten voluntarism in America? This morning the proponents of this legislation admit that they do not exist. Nonetheless, purportedly in the interests of the beneficiaries of their services, we are being asked to adopt a Federal standard other than the exercise of due care that such activities otherwise might be held to under 200 years of State law development even though the behaviors we are discussing will affect the most vulnerable among us.

I ask unanimous consent to have printed in the RECORD the statement of administration policy received from the administration.

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

EXECUTIVE OFFICE OF THE PRESIDENT, OFFICE OF MANAGEMENT AND BUDGET,
Washington, DC, April 29, 1997.

STATEMENT OF ADMINISTRATION POLICY

(This statement has been coordinated by OMB with the concerned agencies.)

S. 543—Volunteer Protection Act of 1997—(Coverdell (R) Georgia and 10 cosponsors)

Although the Administration strongly supports national and community service and volunteerism, it opposes S. 543.

The President has a deep commitment to volunteer and service activities and supports efforts to encourage Americans to engage in these activities. The Administration will work with Congress on proposals that, while respecting state law, help provide reasonable liability protection to volunteers involved in the delivery of needed services.

S. 543 is not such a bill. Without any hearings demonstrating the inadequacy of state law in this area, S. 543 effects a sweeping preemption of state law in cases involving ''non-profit organizations'' and ''volunteers.'' The over-broad definitions in the bill—which might apply to hate groups, street gangs, or violent militia—make this takeover of state law potentially troubling.

As with broader tort reform measures, the Administration is also troubled by the legislation's one-way preemption—state laws would be preempted if they favor plaintiffs, but not if they favor defendants—and by Section 5 of the Bill, which would totally abolish joint-and-several liability for noneconomic damages (e.g., pain and suffering). This provision would unfairly discriminate against the most vulnerable members of our society—the elderly, the poor, children, and nonworking women—whose injuries often involve mostly noneconomic losses. Noneconomic damages are as important to victims as economic damages and must not be relegated to second-class status.

Mr. LEAHY. Mr. President, the statement notes the President's deep commitment to volunteer and service activities, indeed his AmeriCorps initiation and participation at the summit are both noteworthy examples of his commitment. The statement notes as I have the overbroad definitions in the bill and its unnecessary takeover of State law, among other serious problems.

The principal sponsor came to the floor this morning to say that the Ku Klux Klan is not included within the bill's definition of nonprofit organizations that would be covered by its provisions. Unfortunately, he did not say why. Wishing does not change the words of the bill.

To my colleagues who believe S. 543 could not immunize the Ku Klux Klan from liability, let me refer you to a letter to me from Morris Dees of the Southern Poverty Law Center. As many of us know, this organization has been on the front lines in the battle against hate groups like the KKK. The Southern Poverty Law Center is acutely aware, probably more so that most of my colleagues, of the hateful acts perpetrated by groups like the KKK. Yet the Senate is considering a bill that would potentially bestow liability immunity upon the KKK.

I know that every one of my colleagues violently opposes the KKK and would not support liability protection for them, but because we have not been given adequate time to consider this bill, flawed provisions like this overbroad definition remain.

The definition of nonprofit organizations includes the Government and not-for-profit organizations. Not-for-profit organizations appear to be self-defined to include any organization ''conducted for public benefit and operated primarily for charitable, civic, educational, religious, welfare, or health purposes.''

Who decides which groups qualify for limited liability under this definition and what happens when groups like the KKK declare themselves a noncommercial, nonprofit volunteer organization?

The Southern Poverty Law Center realizes this and opposes S. 543 because they know the Senate bill before us would make it more difficult to prosecute hate groups like the KKK. To quote Morris Dees, the highly respected director of the Southern Poverty Law Center:

> We strongly urge you to withdraw this legislation and vote against any law that limits the ability of our civil justice system to punish those people and organizations that inflict unspeakable injuries on our friends, neighbors, family members and communities. Please, do not help protect white supremacists, neo-Nazi organizations, violence-prone militia groups and others who commit hate crimes.

Mr. President, I don't know about my colleagues, but when Morris Dees speaks, I think we should pause and listen. I ask unanimous consent that Mr. Dees' letter be printed in the RECORD.

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

THE SOUTHERN POVERTY LAW CENTER,
Montgomery, AL, April 29, 1997.

Sen. PATRICK J. LEAHY,
U.S. Senate,
Washington, DC.

DEAR SENATOR LEAHY: The Southern Poverty Law Center opposes Senate Bill 543, legislation that would make it more difficult to sue non-profit organizations. Because the bill broadly covers all non-profit organizations, it would protect white supremacists, neo-Nazi and violent militia groups. These are the types of organizations the Southern Poverty Law Center has crippled over the past ten years through the use of both federal and state tort laws.

Senate Bill 543 raises the standard of care and the standard of proof in punitive damages cases, making it harder for the victims of hate activity and racial attacks to punish wrongdoers. For example, it would allow punitive damages against non-profit organizations or its volunteers if their misconduct constituted ''willful or criminal misconduct, or a conscious, flagrant indifference to the rights or safety of the individual harmed.'' However, misconduct that constitutes ''gross neligence'' or ''recklessness'' would be exempt from such damages. In other words, if a cross burning were legally held on Ku Klux Klan property and a larger fire ensued, spreading to a neighbor's home and killing the neighbor, the KKK would be immune from punitive damages if its conduct constituted ''recklessness'' or ''gross negligence.''

The bill does contain a number of narrow exceptions for volunteers, including misconduct that constitutes a crime of violence, hate crime, sexual offense or civil rights violation. However, these kinds of misconduct are only exempt from the bill's restrictions if the defendant was first convicted in a criminal court. Our cases against Klan and White Aryan Resistance leaders would not have fallen under Senate Bill 543's exemptions, since these individuals had no prior criminal convictions. Moreover, the $12.5 million judgment we obtained against the White Aryan Resistance, which put this group out of business, consisted mostly of punitive damages which may have been subject to Senate Bill 543's limitations.

Important questions relating to a non-profit organization's responsibility and conduct are liability issues judges and juries should decide, not Congress. We strongly support your opposition to this legislation that would limit the ability of our civil justice system to punish those people and organizations that inflict unspeakable injuries on our friends, neighbors, family members and communities. Thank you for not helping to protect white supremacists, neo-Nazi organizations, violence-prone militia groups and others who commit hate crimes.

Sincerely,

MORRIS DEES.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. DASCHLE. Mr. President, I wanted to come to the floor prior to the vote to respond briefly to the distinguished majority leader. We have had the good fortune to work together

on a number of issues, and I am disappointed that at least to date on this matter we have not been able to find common agreement.

I am disappointed with his announcement that we would not be taking up additional legislation, which I assume he meant even the emergency supplemental disaster assistance legislation until we dispose of this bill. I have expressed my concerns already about the need to expedite consideration of disaster help to 23 States who are waiting for us to respond quickly.

The situation all through the country, but especially in the upper Midwest, is very severe. There are thousands of people who are homeless today as a result of the floods and natural disasters that they have had to face, thousands of people without businesses, thousands of people without homes, and thousands of people without schools. These thousands of people, hopefully, will be able to get through in spite of these difficulties and who still have hope that we can respond as quickly as possible.

I do not know who the anonymous donor was, but apparently an anonymous donor has agreed to provide $2,000 to every person living in Grand Forks and East Grand Forks to help them get through these difficulties. We estimate that is at least a $10 million contribution. Well, if somebody, anonymously, can do that, it seems to me that this Congress can also respond—obviously, without anonymity—but as quickly and as effectively as this donor has.

So I hope that we can move this. I hope we are not going to subject this to extraneous legislation and I hope that, regardless of whether we agree or disagree on this particular bill, we recognize the urgency with which we have to deal with this issue and come to grips with it and respond, as we have in other emergency situations.

We ought to recognize that it is not Democrats or Republicans who are going to suffer the consequences of delay; it is farmers, businesses, children, hospitals, and so many people who await our decision—not by the week or the day, but by the hour. So we don't have much opportunity. South Dakota was hit, Mississippi was hit, North Dakota was hit—23 States. So we all know the dramatic repercussions that natural disasters can have, and we know how critical it is that we respond as quickly as possible.

On this particular piece of legislation, I have a great respect for the distinguished Senator from Georgia. I differ with him on this particular bill, in part, because I, frankly, think there is a better way to do it. Congressman PORTER, Senator LEAHY, and others have worked on legislation that would allow us to deal with the legitimate circumstances presented by the distinguished Senator from Georgia, but in a way that also protects individuals who may be physically abused or sexually abused, or who may be victims of circumstance and have no recourse if this legislation were to pass. We want to be sure that we can provide a meaningful way with which to provide the balance, I guess, between the need of victims to address problems and the need for volunteer organizations to be protected from lawsuits that, in many cases, are frivolous. So we are seeking balance here. I think we can provide better balance in the Porter-Leahy legislation.

The majority leader came to the floor this morning and put a new urgency on this bill that I had not heard before. If there was such urgency, it is somewhat surprising to me that our Republican colleagues did not see fit to move it through the legislative process with the same degree of urgency. Why didn't we hold hearings immediately upon the introduction of the bill? Why didn't we have a markup in the committee if it was so urgent? Why hasn't there been more discussion? And why wasn't the Democratic leader consulted about the urgency and the nature of this legislation weeks ago, to say this week we are going to take this up because it is urgent? No one said anything to me about urgency. I first heard about urgency today. I am puzzled by the urgency that we have now attributed to this legislation, given the record.

So I hope, Mr. President, that we can figure out a way to compromise on this legislation in a way that would allow us to expeditiously move this process along. Regardless of circumstance, I hope that we will not hold hostage the emergency disaster legislation in an effort to leverage passage of this bill. We can do better than that. There ought to be ways with which to work this out, as we have found the ability to work out so many other somewhat controversial and, at times, complicated pieces of legislation. Two weeks ago, we got a unanimous consent agreement that was four pages long. If we can pass a unanimous consent agreement that is that complex, taking us four pages, on a treaty as controversial as chemical weapons was just last week, it seems to me that we ought to take something for which there ought to be broad-based interest and support and find a way to compromise this in a way that allows us to move it along.

Quite clearly, there is another matter involved here. The papers addressed it this morning. We are equally troubled by the fact that Ms. Herman has been subjected to an amazing array of practices that I hope will cease. She has had her hearing. She has been investigated, reinvestigated, and subjected to an array of questions. She has been brought in for special meetings and special explanations. She has been the subject of a great deal of rumor, innuendo, and media outlets across the country. She has presented herself in a way that I think is as professional as any I have ever seen. The President deserves the right to have his advisers, to have his Cabinet working with him. Once we have decided that she is qualified—and I guess that based upon the unanimity with which she was approved in the committee, there is a bipartisan recognition of her qualifications—that should be it. She has dispelled all the questions. She has responded as affirmatively as she knows how to do. The President has made public his choice. What is there left that must be done to advance her nomination?

We have tried to negotiate. We have tried in as many ways as possible to work through this. We are left with no recourse but to oppose cloture so long as we can't get some understanding of what there is left to do in the case of the nomination of Alexis Herman to be Secretary of Labor. So we want to move that, too. We want to find a way to resolve that impediment as well. It is not our desire to hold things up. But when we bypass the committees and then don't take up legislation or nominations that certainly warrant consideration on the Senate floor in an expeditious manner, whether it is the emergency supplemental or the nomination of a Labor Secretary who has been confirmed now for some time by the committee itself, then the question comes, what options do we have left?

At least the volunteer bill gets a cloture vote. Maybe we ought to subject Ms. Herman to a vote, and if there is a certain degree of opposition to that, we can have a cloture vote on her nomination. But we don't even get that. So this isn't the way I hoped we could achieve more meaningful bipartisanship on a whole array of issues. I hope we can do that on all of the bills I mentioned and all of the nominations still pending on the Executive Calendar.

I might say, Mr. President—on the number of nominations—the other day when I looked, there were four pages of them on the Senate Calendar. I see now on page 11, ''Nominations Placed on the Secretary's Desk,'' are now such that we have virtually 11 pages of them, of people that await confirmation, await a decision by the Senate, people whose lives are affected by delay, just as my disaster victims are affected by delay.

The question is, how much longer will they wait? What is it they must wait for? Is it a concern about their qualifications? Is it a concern about something in their background? Is it simply an unwillingness on the part of the majority to deal with the business that we have available to us, which we must address? Every President has the right to make nominations and to make decisions with regard to the personnel in his or her administration. That is the least we can afford this administration, but more importantly, the least we ought to be able to afford those people whose names are on these 11 pages.

So let's get on with the business and let's move ahead. Let's find a compromise on this bill. Let's confirm Ms. Herman. And above and beyond everything else, let's make absolutely certain that we pass the disaster bill as quickly as possible.

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

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

The assistant legislative clerk proceeded to call the roll.

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

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

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, the hour of 11:15 a.m. having arrived, the clerk will report the motion to invoke cloture.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to proceed to S. 543, a bill to provide protections to volunteers, nonprofit organizations, and governmental entities in lawsuits based on the activities of volunteers:

Senators Trent Lott, Paul Coverdell, Connie Mack, Slade Gorton, Don Nickles, Spencer Abraham, Larry E. Craig, Michael Enzi, Craig Thomas, Phil Gramm, Dan Coats, Rick Santorum, Mitch McConnell, Orrin Hatch, R.F. Bennett, and Mike DeWine.

CALL OF THE ROLL

The PRESIDING OFFICER. By unanimous consent, the quorum call has been waived.

VOTE

The PRESIDING OFFICER. The question is, Is it the sense of the Senate that debate on the motion to proceed to S. 543, the Volunteer Protection Act, shall be brought to a close?

The yeas and nays are required. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Hawaii [Mr. INOUYE] is necessarily absent.

The yeas and nays resulted—yeas 55, nays 44, as follows:

[Rollcall Vote No. 53 Leg.]

YEAS—55

Abraham	Frist	McCain
Allard	Gorton	McConnell
Ashcroft	Gramm	Murkowski
Bennett	Grams	Nickles
Bond	Grassley	Roberts
Brownback	Gregg	Roth
Burns	Hagel	Santorum
Campbell	Hatch	Sessions
Chafee	Helms	Smith, Bob
Coats	Hutchinson	Smith, Gordon H.
Cochran	Hutchison	Snowe
Collins	Inhofe	Specter
Coverdell	Jeffords	Stevens
Craig	Kempthorne	Thomas
D'Amato	Kyl	Thompson
DeWine	Lieberman	Thurmond
Domenici	Lott	Warner
Enzi	Lugar	
Faircloth	Mack	

NAYS—44

Akaka	Bingaman	Bryan
Baucus	Boxer	Bumpers
Biden	Breaux	Byrd
Cleland	Hollings	Moynihan
Conrad	Johnson	Murray
Daschle	Kennedy	Reed
Dodd	Kerrey	Reid
Dorgan	Kerry	Robb
Durbin	Kohl	Rockefeller
Feingold	Landrieu	Sarbanes
Feinstein	Lautenberg	Shelby
Ford	Leahy	Torricelli
Glenn	Levin	Wellstone
Graham	Mikulski	Wyden
Harkin	Moseley-Braun	

NOT VOTING—1

Inouye

The PRESIDING OFFICER. On this vote the yeas are 55, the nays are 44. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is not agreed to.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. GRAMS. Mr. President, I also ask that I may be allowed to speak in morning business for up to 5 minutes.

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

MEMBERS OF THE MINNESOTA NATIONAL GUARD DESERVE OUR THANKS

Mr. GRAMS. Mr. President, as we discuss the topic of voluntarism, I rise today to acknowledge a group of individuals who are making a very big difference, a tremendous difference as the people of Minnesota are fighting the floodwaters that have paralyzed so much of our State.

The men and women of the Minnesota National Guard have stepped up these last several weeks and served with distinction under what have been very deplorable conditions. Battling a rising river is back-breaking work in itself. It is nearly impossible when combined with the ice and the extreme cold produced by a blizzard. Yet those are the conditions that the Guard endured as they worked side by side with the residents of Minnesota's flood devastated communities.

Well over 2,000 National Guard troops have been called up to assist in both preventing flood damage and cleaning up when the waters finally begin to recede. These are men and women who have full-time jobs and lives outside the Guard and take time away from their other responsibilities to fulfill an obligation they feel to Minnesota and its communities. Many of the mayors and elected officials within the declared disaster area told me that the Guard has been such an integral part of their flood response efforts that they cannot imagine being without their assistance. The National Guard have always been instrumental in so many ways, in so many communities, that it is nearly impossible to list every activity in which they have been involved.

Now, as the flood waters began to rise, they helped with the sandbagging that saved so many homes and buildings. They went door to door, urging residents to leave before the waters forced them to go. They put their engineering expertise to work, finding ways to ward off the flooding. And when it came time to evacuate, the National Guard played a key role moving Minnesotans to safety, whether by helicopter or truck, and helped evacuate nursing homes and hospitals. When all the residents were gone, they were there to guard the deserted towns and kept away sightseers and potential looters. The Guard's water purification units and electrical generators have been invaluable during the flooding.

The members of the Minnesota National Guard have served with little sleep and under the worst of conditions, but they have continually exceeded our expectations and they deserve a great deal of the credit for leading us through this time of crisis. Without the Guard, I think it is safe to say that a great many more lives would have been lost and a great deal more property would have been damaged. They have earned the respect and the deep gratitude of all Minnesotans and I salute them for standing with us and I thank them for their service.

I yield the floor.

The PRESIDING OFFICER. The Senator from Georgia.

VOLUNTEER PROTECTION ACT OF 1997—MOTION TO PROCEED

The Senate continued with the consideration of the motion to proceed.

Mr. COVERDELL. Mr. President, just before the vote, the minority leader was speaking. Of course he addressed many matters not related to the legislation before us, but he did allude to it. I appreciate the kind remarks that he made and that perhaps there could be work done to arrive at an agreement which both sides—at least he could agree with. But he specifically alluded to the situation where you would not want to have a volunteer involved with a sexual harassment or sexual crime.

I really do hope—this is not a long piece of legislation. It is 12 pages. I wish the staffs and Members would read it. I want to read this brief section, to respond to his comment:

EXCEPTIONS TO LIMITATIONS ON LIABILITY.—The limitations on the liability of a volunteer, nonprofit organization, or governmental entity under this section shall not apply [Note. No protection. There is no protection to the volunteer] to any misconduct that—

(1) constitutes a crime of violence . . . (2) constitutes a hate crime . . . (3) involves a sexual offense. . . .

So the very point to which the minority leader felt that he could not

agree is not a difference between us. There may be others, but this is not, because a volunteer, involved in that type of activity, is not protected.

Mr. President, I might point out, too, the announcement that this legislation would be before the Senate was published in the calendar issued by the majority leader to everybody, including the minority leader, some time back. It specifically said that on Monday, April 28, this is the legislation that would be before us. We are now up to 55 votes to break this filibuster. I guess I could be somewhat relieved. At the rate we are going we will only need five more cloture votes and we will actually be able to proceed to the congressional response to the President's summit on voluntarism. We have heard a lot about gridlock, about not being able to do anything, and this is a very visible example right here on the Senate floor of the obstacle and hurdle, the gridlock that is preventing us from proceeding to a very good piece of legislation. It has broad support all across the country. It would help volunteers step forward and participate and respond to the President's request. But we are being blocked by a Democrat filibuster to prevent our proceeding to S. 543, the Volunteer Protection Act.

I would like to take a moment or two, here, to talk about the responses to the limited debate from the other side about the bill. Most of the debate has been about other subjects.

Mr. DORGAN. Mr. President, I wonder if the Senator will yield?

Mr. COVERDELL. I will be glad to yield.

Mr. DORGAN. I appreciate the courtesy of the Senator for yielding. One of the reasons for the discussion about the other subjects is especially the gravity of the disaster that has occurred in the States of Minnesota, South Dakota, and North Dakota. A number of us wanted to address the issue. We face a markup this afternoon, and hope very much that can occur without extraneous amendments and we wanted to discuss that a bit. I appreciate very much the courtesy.

I wonder if the Senator might indicate to me when we might be able to get some time?

Mr. COVERDELL. Of course we are on S. 543, as you know.

Mr. DORGAN. I understand.

Mr. COVERDELL. I would say I would need maybe another 10 or 15 minutes on this matter before yielding to the other side.

Let me also say, in deference, having experienced this sort of natural disaster in my own State, I can appreciate the deep concern of the Senator about it. It is my understanding that the supplemental is being marked up this afternoon. To have listened to the debate yesterday, you would have thought it was already out of committee, though. That is a proposal that is still in committee. This is a matter that is before the Senate.

We have heard that voluntarism is healthier than ever, we have millions of volunteers, and we do not need a bill to encourage voluntarism. That is simply not the case, clearly not the case. According to the Independent Sector report, the percentage of Americans volunteering dropped from 54 percent in 1989 to 51 percent in 1991 and 48 percent in 1993. So, from 1989, the number of Americans willing to volunteer has dropped 54, to 51, to 48. There may be any number of factors involved. I commend the President and ex-Presidents for trying to step forward and call on Americans to reverse the trend.

If they want to reverse the trend, they are going to have to deal with this subject. They are going to have to make it not a threat to be a volunteer. They are going to have to create a condition that the volunteer, in addition to being asked to come forward and provide the public service, is not at the same time saying, ''And I am going to take my family's home and bank account and put them on a Russian roulette lottery wheel to see if they are going to be at risk.''

The Gallup organization studied voluntarism and found, in a study titled, ''Liability Crisis and the Use of Volunteers of Nonprofit Associations,'' that approximately 1 in 10 nonprofit organizations has experienced the resignation of a volunteer due to liability concerns. The only way we are going to turn that around is to pass S. 543, and to do it quickly. All the work of General Powell and the Presidents and the 30 Governors and 100 mayors in Philadelphia—that is a beautiful visual, and inspirational, but, unless we do something pragmatic like protecting these volunteers, you are not going to get the response that you are looking for.

The Gallup organization also found that one in six volunteers reported withholding services due to a fear of exposure to liability suits. That is the point I made about, you step forward to volunteer but you are also putting at risk your home, your assets, your savings accounts. That is a little bit more to ask of a volunteer than I think they will find to be acceptable.

One in seven nonprofit agencies have eliminated one or more of their valuable programs because of exposure to lawsuits. So, there are a number of conditions at play here. Not only do the organizations have to invest more of their dollars into insurance costs to try to protect the volunteers—and of course when it goes to insurance it is not buying swimming lessons, it is not feeding the hungry, it does not pay for medicine or assistance that goes to an elderly person. It goes to an insurance company to protect the volunteer, as best they can, from a lawyer in a lawsuit.

So, it is diverting resources away from the purposes of the charity. It says, ''We have heard that there is no evidence of a national crisis involving a flood of lawsuits and huge damage awards against volunteers of nonprofit organizations.''

First, volunteers and organizations sued are not interested in publicizing the fact. They would just as soon it not be heard. So you really don't have a true sense of the magnitude of these lawsuits. Second, many cases are settled out of court. So there is no judgment entered. Again, insurance companies are not interested in publicizing or providing data on their settlements.

Mr. President, I am told we have several Senators who are seeking time on various matters. I am going to ask unanimous consent, see if I can get this right, that we would next turn to Senator DORGAN for 10 minutes, go to Senator MCCAIN for 10 minutes, Senator CONRAD for 10 minutes and Senator HUTCHISON for 10 minutes.

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

The Senator from North Dakota.

THE DISASTER SUPPLEMENTAL APPROPRIATIONS BILL

Mr. DORGAN. Mr. President, I know there is discussion this morning, again, about a meeting of the Senate Appropriations Committee this afternoon, now scheduled for 2 o'clock, to deal with the disaster supplemental appropriations bill. I come to the floor only to urge, as I did yesterday, that the committee consider the disaster appropriations bill and the issues in that bill without adding additional extraneous amendments or matters that are unrelated to the bill.

I do not want to or intend to debate other issues. There are people who have amendments, I am sure, that they feel strongly about—amendments on various bills. But I encourage them very strongly to find other places to offer amendments if they feel they need to offer amendments.

We have several amendments that I understand have been noticed that have nothing at all to do with the disaster supplemental bill. They are extraneous, unrelated issues that people want to put on this piece of legislation because, I suppose, they believe this kind of legislation will ultimately be signed by the President. But, to add extraneous or unrelated matters to this supplemental appropriations bill that is to be passed to respond to a disaster, only will increase the amount of time it takes to enact this bill. It will jeopardize the passage, I suspect, if they are very controversial amendments. And, in my judgment, that is not what we should do on this disaster bill.

So, I encourage my colleagues today, as we go to a markup, to join all of us in working to pass a bill that is free of extraneous or unrelated amendments that would cause problems for the bill.

I want, as I did yesterday, to commend Senator STEVENS and Senator BYRD and all of the others on the committee who, in a bipartisan way, have worked very hard with us to respond to a disaster that occurred in our part of the country.

In many ways, facing the kind of disaster that was faced in North and

South Dakota and Minnesota brings out the best in people. It was really heartwarming to have seen during this disaster the thousands and thousands of people, many of them young people—high school and college students—and folks in their senior years, show up at sandbag lines to stack sandbags to build dikes to fight the river.

It is an extraordinary thing to see what people have done, the acts of heroism that have occurred so frequently, especially up in the Red River Valley, in this flood fight and the fight against the fire and the fight to overcome the effects of the massive blizzards.

The victims of all of this are the tens of thousands of people who were displaced. The city of Grand Forks is a city of nearly 50,000 people with no one living there, streets inundated with water. The only traffic in Grand Forks was by three or four Coast Guard boats taking people up and down and some law enforcement people on the outside of the city trying to make certain that there was order. But other than that, this was a city inundated and a city evacuated.

Of all the wonderful things people have done—and there are so many—I noticed last evening that an unidentified woman from California decided that she wanted to make a personal donation of $2,000 per household in Grand Forks, ND, to those men and women who have suffered damages to their homes. What a wonderful thing for someone to do. That will cost millions of dollars. An anonymous donor says, ''I want to step up here and help.'' What a wonderful thing to do.

Part of what is needed to be done, as well, is the Federal Government to understand that that region cannot recover by itself. It needs a helping hand by the Government to say to our region, ''You're not alone. The rest of the people in this country want to help,'' as we have done so often in other parts of the country in floods, fires, tornadoes, and earthquakes.

In order for the Federal Government to provide that assistance, we must pass a disaster supplemental appropriations bill. We should, in my judgment, do that without any extraneous amendments that are unrelated to the bill. I encourage all those who are inclined to want to add amendments to try to find a way to bring those issues to the floor at a different time. I am not here to suggest that the ideas that will be offered have no merit, that they are inappropriate ideas to be discussing or debating. I am not suggesting that at all. I just ask that we stick with what we should be doing; that is, understanding the people who have had such a heavy burden placed on them, in many cases losing everything they have, being evacuated from their homes, the people who I saw in shelters with tears in their eyes, worried about tomorrow, about whether there will be hope, whether there will be opportunity again, whether there will be help for them and their families, their children, and their parents. I just hope we can pass a piece of legislation that is without extraneous amendments that offers that kind of help.

The Senator from Arizona is on the floor. I want to say to him that I don't judge ideas that others are attempting to offer anywhere. They may have merit. I just urge everyone to take a look at the importance of this bill and see if we can't find other places to debate these ideas. I think the men and women of the Senate are men and women of enormous good will. We always try to do the right thing.

I said yesterday and want to say again, Senator STEVENS, Senator BYRD, and others have done a remarkable job in working with us to try to develop a package of assistance to that region that will be enormously helpful and enormously beneficial. I hope at the end of the day, at the end of this week, we will have moved something through this committee to the floor of the Senate to be scheduled early next week that can then be accepted by the House and be signed by the President and will extend the helping hand of the Federal Government to a lot of folks who have been hit very, very hard.

I do not intend to have a debate with anybody about the merits of this or that issue. I only come to say that this is very important, vitally important, to our region of the country, and I urge in the strongest possible terms that the Congress be allowed to pass this supplemental disaster appropriations bill without extraneous amendments attached to it.

Mr. President, I yield the floor.

Ms. MIKULSKI. Mr. President, like all of us here today, I want to extend my sympathies to the communities and families of the upper Midwest who have experienced the terrible flooding over the past several weeks.

It brings back vivid memories of the flooding that hit western Maryland last year and I know all Marylanders join me in extending our thoughts and prayers to everyone in the Midwest.

Like many of my colleagues, I was hoping for quick consideration of this important legislation so we could speed relief to disaster victims. They are counting on us to help them get back on their feet—to help them rebuild their homes and businesses.

I am so disappointed that what should have been a speedy, nonpartisan targeted relief bill has turned into another nasty partisan battle.

I am greatly concerned about the many extraneous provisions that have been wedged into this bill. The provisions are designed to inflame and divide us and to provoke a veto from the President.

They make it so much more difficult to get assistance to the people in flood ravaged communities who are counting on us. I am particularly alarmed by the inclusion in this package of what is artfully called the Shutdown Prevention Act.

Nobody knows the pain of a Government shutdown better than me and the Marylanders I represent. When the last shutdown occurred, I visited Government agencies that had to remain open.

I saw the frustration on the faces of the workers and the financial hardship it caused for all Federal employees.

I do not want another shutdown and will do everything I can to prevent it. But, the revised bill now provides for a permanent continuing resolution which is nothing more than a partisan trick.

It is designed to lock in deep cuts to important programs under the cover of preventing a Government shutdown. I am opposed to this provision and urge my colleagues to oppose it.

In addition, I am disturbed by the way in which we have chosen to pay for this bill. This bill takes $3.6 billion in unobligated funds from HUD's section 8 public housing program to pay for FEMA's disaster relief fund.

I do not believe we should be robbing Peter to pay Paul.

Eventually, Peter will be broke.

The projected budget problems with regard to the section 8 program are well known.

In fiscal year 1998, section 8 renewals will cost $10.2 billion. That is a $7 billion increase over the fiscal year 1997 funding level.

We will need the unobligated funds to pay for the section 8 renewals in fiscal year 1998. We should not be raiding the program to pay for disaster funding.

I am pleased that of the $5.8 billion in unobligated section 8 funds, $2.2 billion will be saved to cover fiscal year 1998 section 8 renewal costs. However, as the budget estimates show, we will need every dollar we can find to cover the huge increase in section 8 costs next year.

The VA/HUD Subcommittee cannot serve as the ATM machine for the rest of the committee. If we are going to pay for emergency disasters, one subcommittee should not bear a disproportionate share of the burden.

We must find a new way to pay for emergency supplemental appropriations bills. These disasters are not going to end.

We could be facing even more expensive disasters in the near future. Are we going to continually robe the VA/HUD account to pay for these bills?

I believe we need a new system or a new arrangement to deal with these type of disasters—a new system that is off-budget.

I wanted to support this bill because it is so important to the families and communities who need help. However, the changes that were added at the last minute make it impossible for me to do so. I hope in the future we can avoid partisan fights over disaster relief bills and find a more equitable way to pay for them.

Mr. MCCAIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I, of course, like all Americans, extend my deep and profound sympathy and

pledge of assistance to those who have been ravaged by these natural disasters which are unprecedented in some parts of the country. But I am, frankly, very surprised that the Senator from North Dakota, and others, would not want to also prevent a man-made disaster that took place 2 years ago.

I ask the Senator from North Dakota if he realizes, if the Government were to shut down again, whether those people would be able to get that assistance? The answer is no, I say to the Senator from North Dakota, and it is foolishness—it is foolishness—not to understand that when there are manmade disasters, it affects people just as badly as natural disasters do.

I say to the Senator from North Dakota, I am sorry he is not concerned about the people of Arizona, the hundreds of families who were put out of work and lost their livelihood the last time the Government was shut down, the thousands of families who didn't work for the Federal Government, who were never repaid—never ever repaid—when the Secretary of the Interior, my fellow Arizonan, in his wisdom decided to shut down the Grand Canyon for the first time in 76 years.

Mr. President, I am astounded at the arguments that are made against this amendment that Senator HUTCHISON and I and those of us on this side of the aisle are supportive of to prevent the effects of a manmade disaster which happened 2 years ago, which every American decried, which every American thought was terrible, the hundreds of millions of dollars that were lost, the people who were trying to apply for Medicare benefits, the people who were trying to apply for Social Security, the other aspects of Government services that they lost, like getting a passport so they could get back from school in Europe or take a vacation—all of the Government services that we were deprived of. Yet my colleagues on the other side of the aisle have the unmitigated gall to call this an extraneous provision.

I don't know where the Senator from North Dakota was—and I am sorry he left the floor—3 years ago when the California emergency earthquake supplemental contained language inserted by then Majority Leader Mitchell that dealt with the investigation of potato diseases.

I didn't see the Senator from North Dakota on the floor when Senator BYRD put language in the bill that funded employees at the fingerprint lab in West Virginia. You know, it is a long way from West Virginia to California, Mr. President, and that language required $20 million to be expended to hire 500 employees to remain available, to be expended without regard to any other law—without regard to any other law. That was put in the California emergency earthquake supplemental.

Where were my colleagues on the other side of the aisle when all of these extraneous provisions were put in, which is a habit around here which I have decried and taken the floor in opposition to time after time after time.

Mr. President, this is crazy, this is just crazy, and do you know why they are doing it? Because they want to be able to threaten the shutdown of the Government so they can achieve one of two things: one, an enormous political advantage like they gained 2 years ago when, over Christmas, we saw pictures of Federal workers sitting around empty Christmas trees; or what they were able to do last year, and that is to basically blackmail the Congress into spending around $9 billion more than had been budgeted for. That is the kind of leverage they want to maintain.

Do you know what, Mr. President? I understand political leverage, I think I understand it fairly well after a few years around here, but I am not prepared to do it at the expense of the lives and welfare of the American people, and clearly those on the other side are willing to do that. I view that as gross and crass and cynical and the worst aspect of this kind of process that we are engaged in here.

We are trying to prevent the shutdown of the Federal Government, which affects the lives of millions of Americans, perhaps 250 million, and for the Senator from North Dakota, who I am glad came back to the floor, to say that this is an extraneous amendment when it has been a habit in the Congress to put extraneous information—where was the Senator from North Dakota when Senator BYRD put on the amendment that required $20 million in the hiring of 500 employees in West Virginia on the California earthquake disaster bill? Where was the Senator from North Dakota when then Majority Leader Mitchell put in the California emergency earthquake supplemental an investigation of potato diseases?

I hope the American people know better than to accept these bogus arguments when we are trying to prevent a manmade disaster.

I repeat, again, to the Senator from North Dakota, I am concerned about the people of North Dakota. I want to get them money as quickly as possible, but I am deeply disturbed he doesn't care about the people who live around the Grand Canyon who, if the Government shut down, would be out of work and not get the money back. It happened in my State. I don't know what happened in North Dakota when we shut down the Government. I know what happened in Arizona. I know what happened in Texas. I know what happened all over the country. I was flooded with calls and letters and messages: ''What are you idiots doing in Washington shutting down the Government?''

I do not want it to happen again. It cannot happen again. This is a big issue; this is an important issue. I am going to object and come to this floor every time someone from the other side of the aisle says this is extraneous and the President is going to veto it. If the President wants to veto it, fine. The President of the United States then will be responsible the next time the Government shuts down—don't blame us—and my colleagues on the other side of the aisle, too, who don't support preventing the Government from being shut down. That is where the responsibility will lie.

The President may veto it. It may come back. We may cave. We have done that before. If we do, the record will be clear, I say to my colleague from North Dakota. I really appreciate, again, his concern about extraneous amendments. I hope he joins me the next time a supplemental bill comes to the floor and we will propose amendments together to take out those extraneous amendments, because he wasn't there on the other times that I have been on the floor when there have been extraneous amendments on a supplemental appropriations bill.

Mr. President, I yield the floor.

Mrs. HUTCHISON addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, thank you. I commend my colleague, the Senator from Arizona, for his commitment to trying to do what is right. We are supposed to learn from our mistakes, and I think everyone believes that it was a mistake that we had a Government shutdown. It is not anything anyone intended, but to say that we would allow ourselves to go forward into a disaster like that again would be saying you cannot learn a lesson of history.

We are learning the lesson of history. We know what it was like when veterans were not sure they would get their benefits because this administration refused to say that veterans benefits were essential payments, and they really lived in fear that those benefits that they earned would not be there. Not to mention all of the other Federal employees who wanted to come to work but could not by law do it and were not sure if the money to pay their mortgages would be there.

Mr. President, let's talk about the timing. This is the first bill out of the Appropriations Committee. It is a supplemental bill asked for by the President to cover some of the unforeseen expenses. But there are other things in the bill as well, Mr. President. I don't think the Senator from North Dakota can just pick and choose which things are essential. We have to look at good government, and we have to look at our responsibility. Part of our responsibility is seeing that the victims in North Dakota, who have suffered greatly—and we all understand that. I grew up on the gulf coast and have lived through hurricanes and have seen people not have homes. I, of all people, understand disaster. We are going to do the right thing, and part of doing the right thing is we are going to take up raises for the District of Columbia police officers. We are going to take up

U.N. dues. That is part of this bill, in addition to disaster relief and taking care of our soldiers and their requirements in Bosnia.

So this is the time that we are able to address how we will appropriate this year. What we are saying is, we are not going to shut down Government. This may work to the benefit of the President; it may work to the benefit of Congress. We do not really know. But what we are saying is, we are not going to shut down Government. We are going to allow the negotiations that occur on September 30, that are still occurring to continue to occur based on the merits without any artificial hammers over anyone's head, not the President, not Congress.

That is the only responsible way we know how to deal with these disagreements. So we are saying, come September 30, we will fund at present levels minus 2-percent because in fact that 2-percent going into the next fiscal year is appropriating money that we have not yet decided how to appropriate. We did not say 75 percent. We are not looking at Draconian cuts here. We are looking at staying with the budget resolution that we passed out of this Congress and sticking to it.

The budget resolution says that we would have $541 billion for the next year in the budget plan that marches toward the year 2002 in a responsible approach to cutting the rate of growth of spending.

The President's request for the 1998 budget that we are discussing was actually somewhat under that. So how someone can say we are actually cutting the President's budget is really hard to understand because we are actually over what the President said he wanted for the 1998 year; we are over that by $3 billion.

So what has happened here is the President has come in and asked for $25 billion more; and we are being accused of cutting the $25 billion-add that he has put on to his own budget submitted last year.

So, Mr. President, this is a lot of rigmarole to say that we are not trying to do the responsible thing. We are doing it in the first bill that comes out of the Appropriations Committee to set the process for this next year. And the process is going to be that if we do not have agreements by September 30, which we hope we do, but if we do not, that we are going to continue at present levels minus 2 percent. If any agency of State or Federal Government cannot operate on a 2 percent cut, ask them to call any small business, ask them to call any family that has had trouble making ends meet to see if they would be able to budget a 2 percent cut. If 2 percent is a Draconian cut, it is time these people came into the real world, the real world of taxpayers trying to make ends meet.

So we are saying, everyone will be on notice that if we do not have an agreement for a particular appropriations bill, we will continue funding, there will not be a shutdown, and if you cannot cut 2 percent out of your budget with 6 months' notice then you really do not deserve to be running the Federal Government.

Second, Mr. President, I think it is very important when we are addressing the issue of responsible governing that we say we are going to cover disaster victims and we are going to do it in a timely way.

If the President says that a 2-percent cut in present spending is something that would make him veto the bill, then the President should answer to the victims of North Dakota, the President should answer to the soldiers in Bosnia. Because 2 percent from what we are spending today, if we do not have an agreement, I think is quite responsible.

We are not talking Draconian cuts. We are talking responsible Government. In fact, you know we had hoped to have total bipartisan support for this. We thought from all the things that were said when the Government was shut down that we would have a huge Democrat-Republican alliance to say, let us address it now. Let us give everyone notice so that everyone can plan.

In fact, I will quote from Senator DASCHLE, December 30, 1995, talking about the Government shutdown:

> The Government remains shut because some Members . . . want it shut. It is Government by gimmick, and it is wrong.

Mrs. BOXER. Would the Senator yield?

Mrs. HUTCHISON. We are addressing the concerns raised by Senator DASCHLE. And those concerns are addressed so that we will not have Government by gimmick, so that we will have responsible Government, so that everyone will know what the rules are, and so that we will be able to negotiate in good faith on appropriations that have not been finished by September 30.

Mrs. BOXER. Will the Senator yield for a brief question on the shutdown issue?

Mrs. HUTCHISON. Yes.

Mrs. BOXER. Does the Senator know how many times in the 200-year history of America the U.S. Government has shut down for an extended period of time?

Mrs. HUTCHISON. I would appreciate hearing from the Senator from California on that.

Mrs. BOXER. It only happened one time when this Congress was put in the hands of her party. And I would just like to say to my friend, who is my friend—and we do work on other things together; I am very happy about that—that on this matter it is tragic—tragic. And I wish you would go to North Dakota or maybe come to California where 120,000 people had to be evacuated from their homes. That we are putting a budget fight on an emergency supplemental—emergency—we do not have a budget.

Mrs. HUTCHISON. We are not having a budget fight. We are talking about responsible Government.

Mrs. BOXER. If we can meet on the——

The PRESIDING OFFICER. The Senator from Texas has the time.

Mrs. BOXER. I would just say, if we did this work we would not have this problem.

The PRESIDING OFFICER. The Senator from Texas has her time.

Mrs. HUTCHISON. I have seen victims of floods. And I am glad the Senator from California suggested it because I have seen the victims of flood. I live on the gulf coast. I have lived through hurricanes. I have seen my own home flooded. I have seen neighbors who have not had homes to live in, who stayed in our home because of the water. I know what it is like to see a tornado tear up an entire city in Dallas County.

But you know something? This is trying to do the responsible thing. If the President decides to veto a bill because we are trying to stop the Government by gimmick that Senator DASCHLE accused us of doing—and the Senator from California points out that we have only had a shutdown for an extended period of time one time. And I am saying, we have learned from history.

The President vetoed the bills back in 1995, but he blamed it on Congress. So Congress is saying, let us do the responsible thing. Let us make sure that we do not have a Government shutdown. If it is our fault, then we are trying to correct it, we are trying to do the right thing. And it is not a budget fight. It is the first bill out of the Appropriations Committee. And we are trying to set a process that would allow us to meet the needs of the victims of North Dakota, the soldiers in Bosnia, pay U.N. dues, raise the salaries of D.C. police, and make sure that everyone is on notice that we are not going to have Government by gimmick, we are going to have Government by responsible people, and we are going to set the parameters right now which it is in our prerogative to do.

I yield the floor.

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

Mrs. BOXER addressed the Chair.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Thank you.

I will be very brief.

Mr. President, I served in the House of Representatives for 10 years, and I served on the Budget Committee for 6 years during that time. I now serve on the Budget Committee and happen to be on the Appropriations Committee as well. And since the Senator from Texas wants to learn from history, let me share some history with her.

In all those years on the Budget Committee—it is actually 11 in all; 6 in the House, 5 in the Senate—I have never seen the majority party, whether it was Republican or Democrat, not put forward a budget. I have never seen such a dereliction of duty. I miss my Budget Committee chairman. I want to

send him a card: ''Looking forward to seeing you.''

I like working with Chairman PETE DOMENICI. We do not even meet anymore, Mr. President. We are not doing our work. And now on an emergency supplemental bill, where the people who have been suffering are counting on us, we move a piece of legislation on to that bill that has nothing to do with a natural disaster, that has to do with a budgetary fight which is an admission of surrender by the people who are offering it that they cannot play by the rules of the game, by the laws of this Congress which say you must have a budget on the floor by April 15.

And then to come to the floor and criticize the Senator from North Dakota, who has been working, as I have, with our Republican friends, with our Democratic friends, to craft an emergency bill that is fiscally responsible, that meets the needs of people, to have my friend from North Dakota attacked as not being empathetic to the needs of this country, to me, is beyond repair.

We have two jobs to do today. We have to pass an emergency supplemental appropriations to help the people of California, to help the people of North Dakota, indeed, to help the people of 22 States who have suffered, who have lost their homes, their businesses, who were evacuated—we have to do that—and we have to do it fast. We have to help our farmers, our small businesspeople.

I do not think I will ever forget the vision of that city in North Dakota that is a ghost town. It just looked like something out of a picture out of World War II—burning buildings sitting in water. And we are putting our budget battle on to this emergency bill. And I just have to say, I am so surprised that this has occurred. It did not happen on the House side.

Our chairman, Chairman STEVENS, called off the hearing—the markup—after telling us that he was prepared to go forward with a clean bill but others wanted this added. In respect to his colleagues, of course, he did the right thing, called off the markup.

So I hope we can come together as Democrats and Republicans. That is what the people want us to do. And let us do our job. Let us get these people the help they need.

There are other amendments now on there, environmental amendments that totally eviscerate environmental laws that should not be part of this bill.

There is a labor fight going on about how much you pay workers at construction projects. That has now gotten on to this emergency bill.

We have procedures here. We have processes here to deal with these other matters. So I am hoping we do two things today: We pass a clean bill in the committee, and we are going to go to that markup at 2 o'clock; and, second, we ask our colleagues on the Budget Committee, ''Put your budget on the table before you try to resort to across-the-board cuts.''

And I want to correct the record on this point. My friend from Texas made a point that in actuality this continuing resolution is going to be a level of spending higher than the President suggested. Now, this may be true for the overall number, but I can assure my friend, he has an initiative in education, he has an initiative in children's health, he has an initiative to clean up Superfund sites, he has an initiative on crime. This President has initiatives in his budget. So if you just go ahead and say, well, we have decided to forget about our free markup budget, and throw in the towel, and put this solution down on the table——

Mrs. HUTCHISON. Will the Senator yield?

Mrs. BOXER. Put this 2-percent solution on the table and indicate to the President that there will not be severe cuts in education, the environment, in crime, in health research, that is simply not true.

As a matter of fact, our analysis that we have done thus far—and we are still working on it—shows in some cases a 7-, 8-, 9-percent reduction that will result in young people not having Pell grants, kids not getting into Head Start, Superfund sites being delayed, veterans benefits being delayed, if that 2-percent solution goes forward. I hope we can have that debate another day.

I am happy to yield for a question.

Mrs. HUTCHISON. I think the Senator is saying I was correct, then, that we are increasing over the President's own budget that he put forward last year.

The Senator is making the point that there are new expenditures that you would like to make. I ask the Senator from California if she does not think it would be more responsible if the President would keep his word, keep to the $539 million that he asked for last year for this year, and set the priorities.

Mrs. BOXER. Let me answer your first question. If you want a second question, I will answer your second question. Let me answer your first question.

Mrs. HUTCHISON. You let me ask the question.

Mrs. BOXER. You asked me a question.

The PRESIDING OFFICER. The Senator from California has the time.

Mrs. HUTCHISON. It will be delayed if there is a Government shutdown, but not with a 2-percent cut.

Mrs. BOXER. I am delighted to yield as long as you want, but I do not want to forget your first question.

You asked me, did I not think it would be more responsible for the President to stick to last year's budget? No, absolutely not. Maybe the Senator has forgotten, we had an election, and this President won. Do you know what the election was about? It was about how much you ought to cut Medicare, how much you ought to spend on the environment, how much you ought to spend on education, how many more cops we should put on the beat. We had the election and the American people chose this President.

I am answering your question.

Mrs. HUTCHISON. Will the Senator yield?

Mrs. BOXER. I need to finish my answer, Mr. President, and then I will be happy to yield again.

Mrs. HUTCHISON. The President——

The PRESIDING OFFICER. If we could have some order. The California Senator has the floor.

Mrs. BOXER. Let me finish. The Senator is asking what is responsible.

It would be irresponsible for this President to back down on what he said he would do for the American people. I know there are some of my colleagues who do not agree with this President, who do not want to spend more on education, who do not want to spend more cleaning up the environment, who want to cut more out of Medicare, who would like to give tax breaks to the very wealthiest.

That is a fair debate, I say to my friend. This is a debate about budget priorities.

What I think would be responsible for this President is to stick with the promises he made in his campaign to the American people.

The second thing I think would be responsible for us is to keep this emergency supplemental appropriation clean of this budget battle. I think the American people can see in the debate between the Senator from Texas and myself, in the remarks that were made by the Senator from Arizona, that the budget battle is a very heartfelt battle. As a matter of fact, it differentiates the parties. So what is responsible for this President, it seems to me, is to get this emergency supplemental to the people, clean of these other amendments, and what is responsible for this U.S. Senate is to produce a budget and do our work.

Mr. President, I am thoroughly convinced if we do that, we do not need a 2-percent gimmick. We can have a real budget debate and a real balanced budget for the people of this country.

I yield the floor.

Mr. DORGAN addressed the Chair.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, I yield to myself the 10 minutes allocated previously.

Mr. President, the only thing that matters to me at the end of the day is, has the Congress proceeded to enact the disaster supplemental bill? And will the disaster supplemental, as enacted, be free of provisions that would otherwise engender a Presidential veto? Will the Congress get its work done on the disaster supplemental bill? That is all I came to talk about and all I intend to talk about.

There was a demonstration here on the floor by those who say, well, if you do not support our amendment, whatever our amendment is, you do not care about Government shutdowns. What a load of nonsense. I will not respond to

all of this, but just to say this: I did not come to the floor to criticize anybody and I will not respond as I am tempted to do. I came here asking only one thing: That when the Senate Committee marks up its bill at 2 o'clock, that we mark up a supplemental disaster appropriations bill without attaching amendments that are unrelated to the bill.

One Member came and took great offense to that and ranted about the fact that I or others do not support efforts to stop Government shutdowns, and so on. I have no idea how people learn these techniques—the technique of misstating your opponent's position and going on and debating them. That is an old debating technique that some memorize. It does not serve a particular interest to me.

I am very happy to work with all Members of the Senate in finding ways to avoid any Government shutdown, at any time. I have never supported a Government shutdown. I am happy to work with anybody at any time to avoid a Government shutdown. I do not want someone coming to the floor to ascribe motives I do not have. My motive was for one purpose today, and that is to encourage all Members of the Senate to understand this disaster supplemental has the word ''disaster'' attached to it because some parts of the country are suffering a disaster. We want, at the end of the day, to pass a bill that extends a helping hand to those folks.

Now, I understand everybody else has 800 objections to it, and they have different agendas. We have in our caucus, people who have agendas, they want to bring things to attach to this bill. They are saying, ''This is the first appropriations bill. We want to attach something to it.'' My position to them was exactly the same. It does not matter what party you are in. I have told members of our caucus, ''I do not want you to attach things to this bill.'' I will tell them that today if somebody says they want to do it.

Leave this bill alone. This bill affects 22 States. It affects people who have been driven from their homes who need help. We do not need people to come to the floor pointing and shouting about who supports Government shutdowns in September or October. Who is willing to help pass a disaster bill in April and May? That is the question.

I get sorely tempted some days to come and respond in kind to some of the things I hear. But my Scandinavian heritage overcomes that urge from time to time, and it will again today. My response would be in a more personal way to those with whom I take offense when they suggest somehow that those of us who want to see a disaster bill passed without interference have an agenda that does not care about the rest of the country and Government shutdowns. People know better than that. We should have reasonable and thoughtful debates here in the Senate. We should not do that sort of thing.

The agenda of the Senate, it seems to me, in the Appropriations Committee this afternoon, is how does this country respond to a series of disasters. That is what I care about. There are other issues that others care about. That is fine. We should talk about the issues. But I would feel the same way, I guess, if it was your disaster. I would want your people to get the help they deserve. And I have done that on earthquakes, fires, floods, and tornadoes all around the country in all the years I have been here.

My hope is, without ascribing ill motives to anyone in the Senate, that we can just decide to work together. I have said three times, and let me say again, Senator STEVENS is a wonderful chairman of that committee and he has been enormously helpful, I think doing a terrific job, as are other members of that Appropriations Committee, Senator BYRD and others, in difficult circumstances, putting together a disaster relief bill that extends a helping hand to people who desperately need help in this time.

Mr. President, my hope is that when we convene at 2 o'clock, we will proceed through this bill and probably be able to talk some people out of offering amendments that might load this bill down and not allow it to get passed on an expeditious basis. My hope is perhaps at the end of next week all of us, Republicans and Democrats alike who care about this, can join the President in a bill-signing ceremony that says we did what we were supposed to do. We did what was necessary. This Government extended a helping hand to people who were down and out, flat on their back, who needed help, and that there were not intramural political games being played here, there and everywhere that would delay and do the things that people so often and too often now expect of the Congress.

I understand sometimes why the American people look at this process and become profoundly disappointed—profoundly disappointed—because almost everything that happens is someone thumping their chest saying, ''I am the one that will save the Republic.'' The fact is, what saves the Republic is the good will of men and women working together on common problems in this country in a sensible, thoughtful way. I hope that we will begin doing that and continue to do that not just on this bill but on bills that affect all of America and all of Americans. That is my hope.

I yield the floor.

VOLUNTEER PROTECTION ACT OF 1977—MOTION TO PROCEED

The Senate continued with consideration of the bill.

The PRESIDING OFFICER. The pending question is the motion to proceed to S. 543.

The Senator from Idaho.

Mr. CRAIG. I came to the floor to speak to that piece of legislation, but also to speak to the supplemental and the current situation the Senate finds itself in at this moment.

Senator DORGAN has spoken passionately, as he should, about a concern for the citizens of his State and that their needs are responded to because of the devastating floods that are ongoing in his State. For that, this Senate will respond.

I now have the privilege of serving on the Appropriations Committee, and I must tell you that it is my intent to support a supplemental appropriation that has disaster relief in it—for the citizens of North Dakota, yes, but also for the citizens of Midvale, ID, my hometown.

In early January of this year, the national television cameras did not sweep across the 4 feet of water that surged through my hometown, that displaced 40 residents, destroyed homes, took the one small general store and put it out of business. I flew over it a few days later in a helicopter to see utter devastation like I had never seen before and like my friends and neighbors had never witnessed. I remembered looking at the files of the local newspaper and the flood of 1950 when I was a small child in that community. This, of course, was even worse. This was, without doubt, the 100-year flood.

Now, what I found out at that time—and I have great praise for FEMA and the Army Corps of Engineers and others—is that they did respond and they responded immediately. The citizens of Midvale were cared for within the limitations of the law and prescriptive to their needs. I am pleased about that and played a small role in helping them.

What I also find out is that the citizens of North Dakota are being cared for at this moment. There is adequate money at this moment to deal with the immediate needs. They are being cared for. Will there be necessary moneys for the future needs of rebuilding and repair? No. That is what the supplemental is all about. There is adequate time for a responsible and reasoned debate on what we do about the expenditures of our Government.

I am going to support a continuing resolution tied to the supplemental appropriation. Why? Because I do not like the budget process gamed. I do not like a President, who owns a bully pulpit, to veto and then stand on that pulpit, when it was his pen that brought the Government to a halt, turning and saying, ''Look at those folks up on the Hill. They did not give me what I wanted, so I am shutting the Government down.'' He says, ''They did not give me what I wanted, so they are shutting the Government down,'' and he got away with it. The American people said, ''Oh my goodness, isn't that terrible. Congress should not have done that.''

Congress did not intend to do that. Congress will not do that again. That is why we have considered amongst

ourselves the importance of putting together a supplemental with a continuing resolution that has a level of expenditure of 98 percent of the 1997 fiscal year level. That is right and it is responsible.

Now, I am on the Appropriations Committee. Yes, I am a freshman. I understand that. Does it take away my power and my leverage on the committee? I really do not think so. All appropriators want to produce and pass the 13 appropriations bills that will constitute the new budget for fiscal year 1998. Why? Because it is good policy. The President has some new programs, and he will get them. We have some new programs that we want and some spending reduction levels that we want and a tax package that we want that we think are important for the American people, and we will get there and the budget will be balanced.

But what the CR gives us is the room to operate and to say to our Government employees, you will not be put at risk and we will not allow you to be gamed. I have a sense there is a little gaming going on now about the need and the urgency.

Let me make myself clear. It is my understanding, based on an immediate review of the budgets of FEMA and the Army Corps of Engineers and other areas, that they have money to deal with the immediate situation, and it has been dealt with. Every citizen in this country that turned on the national news saw Federal employees and Federal people on the ground in North Dakota helping, and they are there today and will be there tomorrow. What is important is that we deal with this issue and deal with it in a responsible and timely way. Will there be add-ons to the supplemental? Yes, there will be.

Mr. COVERDELL. Will the Senator yield?

Mr. CRAIG. I am happy to yield.

Mr. COVERDELL. I am not on the Appropriations Committee. Let me say this just for clarification here. The supplemental is a vehicle by which we can help the flood; it is not a disaster supplemental.

Mr. CRAIG. That is correct.

Mr. COVERDELL. In other words, this has been in the process since before the emergency, so it is going to probably deal with Bosnia. I am just guessing, as I am not on the committee. Do you not have something dealing with our troops overseas in this matter?

Mr. CRAIG. The President, as the Commander in Chief, has the latitude within the law to spend beyond the limits of the budget when we have troops in foreign lands. The Food and Foraging Act allows for the President to do that. That case has occurred in Bosnia. What the supplemental offers is some reprogramming of dollars within the defense budget to pay for expenditures that have already been let in the area of Defense. So it is not just flood money. It is clearly reprogramming money for the Department of Defense and for our troops stationed in Bosnia.

Mr. COVERDELL. My point is this. When we have a disaster, we typically use whatever vehicle is moving to deal with it. For example, in the great 500-year flood that we experienced several years ago in Georgia as a result of Alberto—and I believe we all understand the sense of urgency that comes from any Member of the body who represents that kind of a condition—for the long-term relief, I, along with my colleague at the time, Senator Nunn, were addressing it on a series of appropriations bills. So this disaster is being addressed on this appropriation vehicle, but it is not a bill for the disaster. It is the process in which we are engaged that we are using to help the disaster.

Now, this is my last question, and then I will let the Senator proceed with his remarks. The Senator very astutely made the point that the emergency brings out our emergency resources. In our case, FEMA was there immediately. A coordinated center was set up for relief, water was flown in, and the National Guard was dispatched throughout the southwestern quadrant of the State. What we were dealing with in appropriations was the long-term build-back, which takes a long time.

I just find it ironic, the one thing that you have to have to protect the long-term build-back is that the system does not shut down. So, for me, the idea of putting a disaster protection in the supplemental that assures that the long-term relief will not come to a stop suddenly because of politics is a pretty good idea. Would the Senator agree with that?

Mr. CRAIG. Well, I agree with that, of course. As you know, our budgets operate on a fiscal year basis. My guess is that, come October 1, 1997, when the 1998 budget begins, there will be Federal agencies on the ground in North Dakota negotiating contracts with private contractors to rebuild or restore facilities in those devastated areas. They will be, at that moment, negotiating. If the Government shuts down for any given time, all negotiations have to stop, all transactions have to stop. That is reality. The Government isn't functioning.

As we found out in the last shutdown, it is a very clear shutdown—cease and desist, turn out the lights, go home—except for only essential employees who, by definition of their employment, might stay on location for the security of the buildings and operations of the facilities. That is reality.

So I think the point the Senator from Georgia makes is a very clear and important point. Now, with these disasters ongoing and impending, the reality of continuation is very, very important. I have money in this supplemental for Idaho. It could be called disaster money. It goes to my hometown of Midvale and Washington County and Payette County and Jerome County. I have 13 counties in Idaho that have been declared disasters. We have flooding going on in my State as we speak.

Senator DORGAN mentioned he didn't want any add-ons. Let me tell you of an amendment I am going to try to put on. It deals directly with disaster, and it is an add-on. When a disaster strikes and there is an immediate event and an emergency situation and there needs to be build-back of dikes to protect private property and private life, we have a problem. The problem is that the Endangered Species Act can step in, and external agencies like the U.S. Fish and Wildlife Services and National Marine Fisheries can oftentimes come in like they have in California during the incidents in January of this year. There was a special area designated by the Assistant Secretary to allow the waivers to take place because it had to be an Executive waiver. In St. Marys in north Idaho, a flood event that occurred in 1996 was in the midst of being repaired. At that time, there were over 400 homes in that community under water. As I flew over in a helicopter, just the rooftops were sticking out. The dikes had blown. Now they are repairing them. The U.S. Fish and Wildlife Service stepped in and said, ''We don't think you are following the Endangered Species Act. Stop.'' That order went out about a month and a half ago. There is no more dike building going on in St. Marys in Benewah County in north Idaho. The water is rising as we speak and the dike is not complete. This is all about habitat for osprey eagles and has nothing to do with human life and property.

My little amendment says that during the time of a declared emergency—in this instance, I am simply saying 1996 and 1997—the Endangered Species Act doesn't pertain during the time of emergency and emergency repairs to follow. I am sure that that will be the case along the Red River in North Dakota and other areas that we will have to deal with. That is an add-on, and I am sure the Senator from North Dakota would want that. There can be others that can be argued to be direct and specific as it relates to the supplemental.

Mr. President, I came to the floor to suggest that this Senate deserves to debate and to vote upon S. 543. I find it amazing that, in this system of Government by laws that we all support and believe in, we have found ourselves so encumbered by laws that we can no longer volunteer, or you can't give freely of your time without liability or without risk of liability, or to work in a voluntary organization, and that organization has to take out insurance to protect themselves so that they are exempt from lawsuit. We used to deal with that as a free and open society. We had a doctrine of charitable immunity. In other words, we said, if you are giving to charity and you are giving in a voluntary and charitable way, you are immune from litigation. Well, that

no longer exists. Most States abrogated charitable immunity by imposing full liability for damages without adequate consideration of whether unique characteristics of charitable organizations and volunteers warranted some other arrangement.

I find it amazing that we are being blocked by the party of the President, who has just done a very admirable thing in Philadelphia about voluntarism, to launch a national voluntarism program across this country, which I suspect 100 percent of the Senate believes in, along with the huge majority of the American people. We are now at a standstill on legislation to protect those who would come out in response to our President and to General Powell and to past Presidents and to a nation which really does believe that the way to save our cities of America is not just a Federal program, but to incorporate the cause and caring of citizens of our country that give of their time in a voluntary way.

I hope that we can pass this legislation. It is literally being filibustered at this moment. Are there extenuating circumstances? Yes, there are. We all know that. It is too bad we can't move on with this legislation and deal with it. But I will tell the Senator this. I mentioned it to him several times on the floor in, I think, appropriate and just ways. We will convene the Appropriations Committee this afternoon, we will mark up a supplemental, and it will have some emergency dollars in it and some defense reprogramming. It will have a CR in it, I believe, and it will probably have other issues in it that Senators, bipartisan Senators, Democrats and Republicans, will find necessary to put in the supplemental.

I yield to the Senator.

Mr. DORGAN. Mr. President, let me say that the amendment you described a few moments ago—I understand that there is some controversy about it, but it is perfectly appropriate. Your amendment deals with the disaster. I read it last evening at home, and I certainly would not intend to be critical of somebody who is offering amendments that deal with the bill. I want you to understand that. My concern is amendments that really don't have any relationship to this bill but which people want to get passed. I heard you describe it and use my name. I have no problem with that amendment being offered because it relates to this bill.

Mr. CRAIG. I thank the Senator for saying so. I said it in the context that it is an add-on. You are right. I think it is appropriate and I think it will have bipartisan support. We are all for the Endangered Species Act, and we want to make sure our Government agencies function and operate in a way that their activities do not damage or threaten endangered species. But in a time of a flood incident or emergency, to invoke a bureaucracy and withhold the ability to immediately get out there and solve that problem and protect private property and human life is really beyond me. Yet, we find ourselves in that circumstance. My amendment will deal with that.

With those comments, I hope we can move in a timely fashion to deal with S. 543. I hope that, with the work of the Appropriations Committee this afternoon, we can have a supplemental come to the floor that deals with disaster relief, that deals with reprogramming of defense dollars. It is going to deal with a lot of other issues. It is not the disaster bill. It should not be said that it is. It is an appropriation bill dealing with supplemental needs, most of them requested by the President and sent to the Congress. We are responding to the administration, in most instances, by dealing with those things that the President feels are necessary and that the majority of the Congress would agree with.

I yield the floor.

Mr. COVERDELL. Mr. President, about an hour ago, to facilitate remarks on the subject we have been hearing about for the last hour, I stepped aside from the explanation of what is really before the Senate, which is S. 543. I see the Senator from Illinois here. I do have some rather extended comments to make about S. 543. So I might ask what would be required by the Senator who has come to the Senate floor? I have been trying to accord the various interests here.

Mr. DURBIN. I thank the Senator. I wanted to address my remarks to the issue concerning the disaster assistance and the continuing resolution.

Mr. COVERDELL. How much time would the Senator need?

Mr. DURBIN. Since I am new to this Chamber, it will be brief.

Mr. COVERDELL. I will yield the floor so that you might make your remarks.

The PRESIDING OFFICER. The pending business is S. 543.

Mr. DURBIN. Mr. President, it may be of interest to note why we are here and what we are talking about. Nominally, we are here to consider Senate bill 543, an important piece of legislation and one which I cosponsored in a slightly different form as a Member of the House of Representatives. I commend the Senator for offering this. I think it is an important piece of legislation. I hope that we can have real debate on it and consider some amendments and enact legislation to certainly achieve the goals. They are worthy goals. People who volunteer to help organizations should not risk or fear liability for their acts, unless, of course, they are guilty of something which is wanton or criminal in nature. I think the Senator offers a good piece of legislation. I would like to see some changes, and I hope we reach that point.

The reason why we are not considering it, the reason why the Democrats have voted on two successive days to continue this debate has nothing to do with the bill directly. It relates to the appointment of a person to serve as Secretary of Labor. We feel this has been delayed for the wrong reasons. We hope the Republican majority will move on Ms. Herman's nomination very quickly. Unfortunately, your bill has become a captive in this negotiation.

The other measure that came up here today is one I would like to address for a moment, one that I feel an affinity to, the question of disaster assistance. In 1993, in my congressional district, in downstate Illinois, we were literally inundated by the Illinois and Mississippi Rivers, and it was awful. I feel very badly for families that are victimized by disasters. But I will tell you. Some disasters come and go very, very quickly. In the dead of night a tornado rips through a town, and by the next morning people are picking up the pieces, clearing the rubble, and planning for rebuilding. A fire rips through an area and people the next day are talking about demolition and reconstruction. But a flood lingers and lingers. Mr. President, 125,000 Americans are now homeless in North Dakota and Minnesota because of this flood. The pictures that I have seen make my experience in downstate Illinois almost pale in comparison. That is something I thought I would never see because the flood that we experienced was devastating.

It is really sad, though, as we consider the response of this Nation through our Government to this disaster, that we have seen other issues extraneous to the issue at hand really take center stage. I hope that the Appropriations Committee will think about the families that have been hurt, businesses destroyed, and the farms inundated when they markup this afternoon. Give us a clean disaster bill that will help these families. There are important issues to debate. But save those for another day. Let's really come to the rescue of the families of this Nation. Let's show compassion for these families.

I daresay there isn't a Senator in this body who could go up to North Dakota to one of shelters where these homeless people are now waiting and say, ''You have to understand. We can't help you out until we have a momentous debate on another issue.'' That would be a hard sell. I wouldn't want to have to do it. I hope that Members who have been spared in their own States and districts from this kind of disaster will try to commiserate with those of us who have been through it. It is time to think about those families, and this issue that is tying us up as to whether or not we will endure another Government shutdown. I pray that we will not. The decision about 2 years ago by the Republican majority to send a bill that they knew would be vetoed leading to the shutdown of the Government is a sad experience. I think all involved in that understand that today, and they want to avoid that in the future. That is a goal that I share.

I don't agree with the approach that is being used because the continuing

resolution bill is a complete abdication of responsibility by the Members of the Senate. It was only a few weeks ago that Members came to this floor, and in very convincing and pious tones talked about amending the Constitution of the United States to require the Senate and the House to meet their obligation and their responsibility to balance the budget. We were about to amend the Constitution of the United States because we take that issue so seriously. It failed by one vote.

Despite all of the fervor and all of the commitment, where are we today? The Republican majority in the House and Senate has failed to meet its statutory obligation to produce a budget resolution which is a blueprint on how you will reach a balanced budget. That was supposed to have been done by April 15. Yet here we are weeks later without a budget resolution. Negotiations continue.

So now the proposal is that we will amend or add to the disaster bill this blueprint for balancing the budget. Excuse me. The people in North Dakota whose homes have been flooded, whose kids who are out of school sitting in homeless shelters, people who are drinking water out of cans because you can't use the water system—they are gone—folks that do not know what has happened to articles in their lives that have meant so much to them—it is a little hard to explain to them that we have a more important thing to worry about than the roof over their heads or the food that they are going to eat. We have, instead, to worry about this continuous debate about balancing the budget.

If the goal is to avoid shutting down the Government, I am about to offer a solution. It is one that I guarantee you will make certain that the Federal Government never shuts down again. It has two parts to it. The first part is this: No budget, no pay. If Members of House of Representatives fail to enact a budget, if Members of the Senate fail to enact a budget, they don't get paid. That will focus the attention of this Chamber and the House on getting its business done in a hurry.

There is a second part. I call this ''no dessert until you clean your plate.'' Have you ever heard of that one? You did while you were growing up. Mom and dad used to tell you that one all the time.

It is very simple. It merely says that the last appropriations bill to be enacted, the last spending bill to be enacted, would be the spending bill that covers this Chamber and the House of Representatives. So, if we fail to appropriate the money for the Department of Justice, or the Department of State, we know that the House and the Senate will not continue in business. ''No dessert until you clean your plate.'' Pass the spending bills for all the agencies of Government, and make ours the last one. And until all the others are enacted we cannot enact our own.

I will guarantee you all of the volumes of debate that we will hear about balancing the budget may lead to a good conclusion and a good ending—that we will finally see Members who have their paychecks on line, and who will realize that the operations of the House and Senate are on the line, decide, ''Yes, we had better pass the appropriations bill. Yes, we had better enact a balanced budget instead of a constitutional amendment, and get down to the business of passing bills.''

It is sad that this Appropriations Committee in the Senate will come back this afternoon and amend this disaster bill, and embroil these poor people—125,000 homeless people who have lost their homes because of this flood—in the middle of this political debate. They really deserve better. America deserves better.

We are a caring people. And the people in this Chamber—men and women alike, Democrats and Republicans—are caring people as well. Let us not sacrifice what is good about America, and what we are so proud of in the name of a political debate. Let us get down to the business of helping the flood victims, and then let us get down to the business of balancing the budget.

I thank my colleague for yielding this time. I am sure we will return to this bill in earnest very soon, and his patience will be rewarded.

I yield back my time.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

Mr. COVERDELL. Mr. President, I appreciate the brevity of my colleague from Illinois. I will make a couple of comments about his remarks, and then return to S. 543.

First, as he properly stated regarding S. 543, I was pleased to hear that he felt good about the legislation, that it has gotten caught up in the debate about the supplemental budget and about the nomination of Alexis Herman. But I would point out to the Senator from Illinois that we have been on S. 543 since Monday and have been blocked from action on it. And the supplemental legislation—which deals with Bosnia, which deals with the disaster, which deals with the multitude of issues—is not out of committee. And there is no reason whatsoever for it to be used as some political obstacle to block legislation that would help American volunteers respond to the President's request to step forward.

I point out that S. 543 has been on the floor since Monday afternoon, and that we have been blocked from going to the legislation by a filibuster. And they have evoked the fact something about the supplemental and whether we are in a debate over a continuing resolution or not. It is not even out of committee. So, obviously, it cannot be used as any leverage against S. 543.

With regard to the President's nomination of Alexis Herman to be Secretary of Labor, and the fact that that matter has not been brought to the floor, I don't believe that issue—which I will talk about in a second—should be used to deal with this very targeted, narrow legislation in response to the summit in Philadelphia.

What you have there is an individual who went through the committee process, and purportedly handled her business there very well, but as the future spokesperson for the administration on labor failed to mention that the administration was contemplating a massive change in labor law; and that they were contemplating doing it not by bringing legislation to the House and the Senate but by making the change occur by decree—an Executive order issued by the President—that would exclude about 80 percent of the American work force from eligibility on a labor contract. That didn't come up in the hearing. That is not an insignificant policy. It is even in the minds of many a constitutional confrontation.

We don't govern by decree in America—nor edict. The President cannot write the law. He can veto it, but he cannot write it. That is a huge issue. And the majority said, ''Wait a minute. We want to talk more about that.'' And we are going to. It is likely to be extensive. That is what that nomination is entrapped about—the idea that the President would rewrite law that has been in place for 60 years, and bypass the Congress.

That disagreement, purportedly, according to the other side, is the reason that we should take no further action on S. 543, a 12-page bill, double-spaced bill, whose simple goal is to protect American volunteers from being undue legal targets.

Prior to 1980, this was not a problem in our country. You can count on two fingers the number of lawsuits that have been targeted at volunteers. But in the 1980's there were several celebrated cases. And, all a sudden, there was a rush. ''Well, here is a new resource that we can sue.'' Often the volunteer organization has very limited resources. But maybe one of the volunteers owns a home, or maybe it is worth a quarter of a million dollars. ''We will go after that.'' This legislation says no. You can't do that. It has to be proportionate.

There was a case discussed yesterday where a volunteer was sitting at the reception desk at a gym. A child in the gym dropped a weight and broke his or her leg. The volunteer agency that organized this recreation didn't have anything. But guess what? The volunteer answering the phone did. Who did they sue? Right—the volunteer answering the phone who had nothing to do with anything other than being a good-spirited American. When that news gets around town, how many people are going to go answer the phone? Not many.

That is what we are trying to protect here in this legislation—that the volunteer could only be held liable for that which she was responsible, which was zero. A 12-page bill, double-spaced with a very narrow focus to that, tries to help fulfill the call of Presidents Clinton, Bush, Carter, and Ford: America, step up, renew our volunteer spirit,

renew what is so unique about it, and reinvigorate your desire to come forward.

If they do not protect those families and their assets, their homes, their checking accounts, that is asking more than they are going to get. Volunteers are willing to step forward, but it is another thing to say step forward and place everything you have in place to manage your family, you put that in a legal lottery, which is why there have been 48,000 resignations in the last several years, which is why voluntarism has dropped from 54 percent to 48 percent and going down, which is why charitable organizations do not have as much in resources to spend on their work because they are spending it on insurance, and which is why there is this chilling cloud. As more and more Americans realize they are not just volunteering to help someone in need, they are placing all their own property at risk, as everyone learns that, their first priority is to protect their own family.

S. 543 comes to this problem in a very balanced and appropriate manner. Now, I have discovered that even though this is only 12 pages long, double spaced—and I know we always talk about how much of the actual legislation is read. It is pretty obvious this has not been read by a number of the Members because of the comments they have made. Yesterday we heard that it would protect the Ku Klux Klan, of all things. I suggested that it be read. I will read the provision that deals with that. It is the definition of a nonprofit organization, what is one. It is this. It is ''any organization described in section 501(c)(3)''—that has to be an educational effort—''of the Internal Revenue Code of 1986 and is exempt from tax under section 501(a).''

That means the Internal Revenue Service has to certify that it is an appropriate organization. I have been through that myself. It takes a long time. They ask a lot of questions. It would be ''any not-for-profit organization organized and conducted for public benefit and operated primarily for charitable, civic, educational, religious, welfare, or health purposes,'' period.

That is the kind of organization this legislation provides some protection for. Why do I say some? Because it does not protect the organization or the volunteer for willful misconduct.

In other words, let us say the volunteer was driving, carrying children and was inebriated—drunk. No protection. Let us say the volunteer was involved in a hate crime or a sexual offense or a civil rights matter. No protection. This is designed to deal with the volunteer at the Little League who is just carrying out his or her job as a volunteer and somebody trips or slips or falls. We all know what that means. It would give them some protection from liability.

So this legislation, as narrow as it is, would cut a wide swath and open the door for a large number of Americans to do what they naturally want to do anyway; it is a part of who we are, and that is to step forward and volunteer and answer the call of four Presidents and General Powell. It is being filibustered and has been since Monday at about 2 o'clock—with the exception of the managing Member on the other side, virtually none of the other side's debate has had anything to do with this at all but extraneous matters—for which we have now had two cloture votes, and the majority leader has said we are going to have two more because we are going to do something about voluntarism in America.

It does not have anything to do with the supplemental, and it does not have anything to do with our argument over labor law. Those are both very, very powerful issues and ought to be dealt with in the appropriate venue. It is a little bit like taking a sledgehammer to deal with an ant. This is a good Samaritan act, and the fact that we are now sitting here at 1:20 on Wednesday for these 12 pages, double spaced, is a rather remarkable comment on goodwill—or the lack of it.

Now, Mr. President, I would like to cover questions that have been raised, not so much by the other side but by others, about what we need to do on voluntarism. Some people have suggested that we do not need to do much, if anything, that voluntarism is healthier than ever.

That is simply not true. I am going to repeat this. According to the Independent Sector report, the percentage of Americans volunteering dropped from 54 percent in 1989 to 51 percent in 1991, and then 48 percent in 1993—a clear pattern. Fear of litigation alone does not explain the decline, but it is one factor we can address.

I was glad to see the Presidents and General Powell calling on America to reinvigorate itself. I was once the Director of the U.S. Peace Corps, and I feel I have some personal knowledge. I had a chance to be right up close to the American spirit. It is unique and it is a treasured value, a treasured piece of the American spirit. Anything that interrupts it or gets in the way, anything that chills it, discourages it, we ought to be attentive to. Historically and contemporarily, voluntarism as it occurs in the United States is fairly unique around the world even. It has been written about, and it is true. It began with our very beginning. As Americans moved all across the country to the West, over and over again was that coming together and that volunteer spirit to help one another build this great Nation. It would be like being concerned about protecting our national monuments, protecting our national treasures, our parks.

Voluntarism is an American national treasure of immense proportions. I used to try, with my mental calculator, to figure out the value that the Peace Corps volunteers had contributed to the world and to the United States, and it is in the billions—billions. I assume there are people who have tried to do that here domestically, but it would be very difficult to calculate because there is so much of it we do not even know about—the person who walks across the street to take a warm meal to an invalid, or that special hand that is held out to a child lost in a train station. If you stop and think about it and become a little more observant, you will not be able to get through a single day in America when you will not see some manifestation of this treasure, and it requires and deserves our attention. I frankly think it deserves a lot more attention than it has received in the last 72 hours here.

The Gallop organization studied voluntarism and found, in a study titled ''Liability Crisis and the Use of Volunteers of Nonprofit Associations,'' that 1 in 10 nonprofit organizations has experienced the resignation of a volunteer from a board or some function in the organization. They have stepped aside. That is even worse. That just shows you the degree of fear we have here. It is not that they did not step forward or there was something in their mind that said, ''I do not know whether I should do it because I could get sued.'' This is a person who already agreed to do it and became so intimidated that they quit. They resigned from the board. They left. I would venture to say there is not a Member of this body who has not experienced and thought about this very thing, if they would all think back. Because they are in public life, they are more visible, and so they have thought, do I really want to do this? Does this put me at more risk, or my family? I bet every Member of this Congress of the United States has had their thinking modified because of fear of a legal challenge.

One in seven nonprofit agencies has eliminated one or more of their valuable programs because of exposure to lawsuits. So here we have the organization that is eliminating its services—we are not going to do that anymore; we are not going to teach people how to swim. That is a dangerous environment. We are not going to do the same kind of camping programs because you are in the outdoors and it is harder to control. Or the story we heard from my colleague from Wyoming where the Boy Scouts cannot have a volunteer with a child now. They have to have two. They cannot have one adult and a child alone for fear there will be an allegation and a lawsuit.

This is a very worrisome development—fairly new, mid-1980's, last 10 years, this chilling cloud that is growing and growing.

Look at these statistics. One in five volunteers are more concerned about serving in volunteer organizations due to the increased liability threat. One in five. That is 20 percent, and it is going to grow unless we do something like S. 543. And 18 percent of those surveyed had withheld their leadership services due to fear of liability.

That is the point I was making about the Members of Congress. It would be interesting if we could document it, if everybody would think back and say, well, was there a board I left? I can think of one. Was there a board on which I refused to serve? I guarantee you that the vast majority, if not all, have changed or made a different decision about assistance because of the fear of liability.

And 49 percent reported seeing fewer people willing to serve on nonprofit organizations. That is like the story I told about Washington Redskin Terry Orr when he took over trying to recruit team members to help in the inner city here in Washington. They had to fight to get him, because he was concerned about liability.

Mr. President, ''72 percent reported volunteers becoming cautious in what they say or do, relating to their volunteer work.'' That is a point that has not been talked about much here. But, clearly, people make different decisions when they are fearful of liability and they begin, even if they are a volunteer, not being as effective a volunteer. The kind of duty they will accept, the kind of thing they might or might not do, begins to be less effective. One of the reasons I have always argued against programs that say they are volunteer, but for which there is a large sum of money paid, which is actually a payment relationship, is that the unique chemistry that creates the American volunteer is altered; the free spirit of it, the nature of it is not the same if the volunteer is forced to be there.

Some have suggested that we ought to mandate voluntary service. The minute you mandate it you cannot use the word ''volunteer'' anymore. That is drafted, and that person interacts with the children or elderly people they are serving in a completely different way than when it is self-sought.

I was with a man the other day in middle Georgia. He volunteers a great deal of his time teaching youngsters how to fly and be involved in the Civil Air Patrol. He has spent several thousands of his own dollars to help these young men and women. He was driving me to my destination and, as we approached, he said: But it's all worth it when I see their faces, when I see the excitement in their faces. That is voluntarism and that is a special chemistry. The point I am making here is, when you introduce this fear, this chilling fear about what you can and cannot do and how liable you are, you change the entire chemistry of this volunteer that I have called an American treasure.

Another thing I have heard from time to time is, ''There is no evidence of a national crisis involving a flood of lawsuits.'' It is not the number of judgments we are worried about here. We do not know all of them because many of them are settled. Institutions do not like to talk about this. It only invites more. So you really cannot get a total picture of what is happening in this arena. But you only have to have one of these celebrated cases to change the behavior of millions of Americans. So it is not a question of how much has happened. The fact is that it has happened and therefore the insurance companies have modified their premiums manyfold.

There is one example of a Little League whose premium for protection in this arena was $75. It went to $775. You multiply that all across the land. It is the fact that it is a phenomenon that is occurring more readily, volunteers are a target, premiums are up, and volunteers step back.

We have heard some on the floor say persons injured by volunteer negligence will not be protected. In other words, there is not a redress for the first person who was injured, the young fellow who broke his leg when he dropped the weight. Under this legislation, anyone injured by this simple negligence, that is conduct that is not reckless, wanton, intentional, or criminal, of a volunteer, can still seek recovery from the organization. In other words, the organization would still have a liability, but not the volunteer who is just there as a good Samaritan. It would be the organization. The volunteer who came there as a good Samaritan, who just happened to have resources more than maybe the organization, is not set aside as a target. Which is appropriate.

Of course, as I have said repeatedly on the floor, and I hope some on the other side would listen to this, that when the volunteer's conduct is reckless, wanton, intentional, or criminal, then nothing in this legislation changes the terms of recovering the damages. In other words, there is no shield, there is no protection for a volunteer who was engaged in reckless, wanton, intentional, or criminal activity.

A question has been raised, why should a volunteer who causes harm to a child through negligence be immune from suit?

It is not the intention of the bill to cause volunteers to act carelessly with children, or any that they are helping, or those that are entrusted to their care. The truth is that simple, honest mistakes and accidents happen in life. They just do. The organization still remains potentially liable for the actions of its volunteers, and will still encourage due care by its volunteers. In fact, the legislation specifically says that if it is the practice to certify licensure, train the volunteer, the volunteer organization, the charitable institution, is still responsible for carrying that activity out. Otherwise they do, indeed, increase their liability.

We believe, in fact, that the organization will often be in a better position to pay than the volunteers would be anyway. Volunteers themselves can be people of limited means or not, just as those who are served by charitable volunteers are often people of limited resources. We have heard that no independent study suggests federally imposed tort immunity, legal immunity, will increase the number, frequency, or quality of volunteers. As I have said over and over here, every one of us has met someone like this. If it was ourselves, we looked at ourselves in the mirror. Who has not expressed fear of liability in volunteering?

This is not rocket science. It is pretty straightforward. We have a situation where the current system is chilling the impact of volunteers—reducing their ability to come forward, causing them to leave, causing them to alter the way in which they carry out their work.

I hesitate to bring this up again, but I guess I have to because the other side has alluded to it, particularly yesterday, where it was suggested that organizations such as the Ku Klux Klan might gain lawsuit immunity from S. 543. As I have read here, now, at least three times and probably, given the circumstance, will do so three more, the bill specifically excludes from its protection suits based on misconduct that includes violent crime, hate crimes, sex crimes, or civil rights violations. It also does not apply where the defendant was under the influence of drugs or alcohol. The bill only provides limited immunity for the simple negligence of volunteers in carrying out their volunteer duties for a nonprofit organization, organized for public benefit, and primarily carrying out charitable, civic, educational, religious, welfare, or health purposes. And, as I have said, it includes volunteers for 501(c)(3) organizations, which are educational organizations that must be certified and approved by the Internal Revenue Service.

Some have said, if this bill is passed it will not reduce the liability insurance rates of nonprofit organizations at all. In fact, insurance rates for nonprofit organizations could go up. The primary objective of the bill is to encourage more volunteers. Insurance ramifications are secondary. The primary purpose, I repeat, of this legislation, S. 543, is to encourage more Americans—in your State, Mr. President, and in mine, and in every State of the Union—to come forward and reinforce the meaning of voluntarism in our country. While we can look at nonprofits' insurance rates as a measure of the problem, reducing the insurance rates of nonprofit organizations is not the bill's main goal. I personally believe that you will see a reduction in the rates because it stands to reason that, if the liability is circumscribed, made smaller, that the rates will ultimately reflect that. And that those sums of money, instead of being used for insurance premiums, can be used to buy meals, give rides, teach, provide meals, and otherwise give aid and assistance to Americans in need.

We have heard this objection, and this has been mentioned on the floor: ''We do not need a Federal law. We

should leave it to each State to decide how to protect volunteers.'' It was, I think, very well stated yesterday when Senator MCCONNELL, from Kentucky, pointed out the national nature of voluntarism. Many of the Nation's most preeminent volunteer organizations are national in scope. We do not have to spend much time thinking about it—the American Red Cross, the United Way, Little League International—and the list goes on. These are national organizations and their activities interact with all the States and volunteers. Their activities cross State lines. We have a classic example. We have been talking about it today. There is no telling how many volunteers are in the Midwest and how many of them come from somewhere else in the country. Many of them do.

I experienced a flood of these proportions in our State several years ago and people came from everywhere and volunteered and pitched in. They made sandbags, they helped clean out the mess, the mud. And, as has been characterized, a flood takes a long time to get straight. In fact, I think I could sadly say that many of the communities that have been confronted with this flooding in the Midwest will never be the same. Their character will be altered forever. It takes a while to appreciate the scope of what massive flooding can do. The point here is that the volunteers move across State lines a lot, and the organizations that recruit them are national organizations.

The decline of voluntarism is of national concern, else why would we have three former Presidents and the President all gathered together with 30 Governors and 100 mayors? They were not in Philadelphia to encourage voluntarism just in Philadelphia. They recognize that this is a national problem, and as I mentioned a little earlier, it is also a national treasure. Voluntarism, and what it means to America, is a piece of our national mystique, just as our national parks and our national monuments, and it needs national attention.

Having said that, the legislation does acknowledge the State role. First, if the State takes greater safeguards in the national bill, the national bill does not preempt those safeguards that go beyond the scope of the national bill.

If everybody involved in the legal action is a citizen of the same State, the State, by legislative action, may opt out from under S. 543 and only State law would apply, where all the defendants and plaintiffs were of that State. But, as I said, if it is a case that involves volunteers or activities among States, the Federal law would prevail.

I have said the national groups can cross State lines, but even local groups operate across State lines. How often is the camping trip to the next State, the neighbor State, or to the beach or to the mountains, to a lake—somewhere else? A lot of volunteer activity occurs across multiple State lines.

A Boy Scout troop in Georgia may go to an outing in Tennessee or North Carolina, Alabama, or Florida. This would be the case in every State. I remember when I was an Explorer Scout. A lot of the activities occurred somewhere else, outside the home State.

In emergency situations and disasters, which I have alluded to, such as hurricanes and floods in the upper Midwest States, volunteers come from many States, and under pretty difficult situations, too, which has not been talked about. Volunteers are often confronted with situations and circumstances that are abnormal, such as working in a disaster, where accidents are more prone. If you think back, most of the accidents that you have had in your own home were usually during inclement weather, you were doing something that was a little out of the norm. You were more prone to a mistake or accident. Volunteers are often embroiled in that very kind of situation where you are more likely to have a mistake made, which would be another argument for S. 543.

There is so much volunteer activity that is directed at a circumstance or phenomenon that is out of the norm—a fire, a calamity of some sort in the community, and people make more mistakes in that environment because they are in places with which they are not familiar and they are confronting circumstances they do not deal with on a daily basis, which is yet another argument, frankly, that has not been chronicled. But it just occurred to me as another reason why S. 543 would be so pertinent.

State laws are a hodgepodge of Good Samaritan laws and, in some cases, provide little protection at all. On that point, I want to read from the ''ABA Section of Business Law,'' a recent article that deals with this subject pretty well. It talks about the fact that in the eighties, this began to become a major problem. Prior to that, it was not. Then it talks about the States all trying to deal with this. It goes on to say:

> The blame falls largely on the patchwork nature of volunteer protection laws, which vary tremendously throughout the United States. To facilitate analysis and comparison, the Nonprofit Risk Management Center compiled them in a publication, State Liability Laws for Charitable Organizations and Volunteers. This article—

The one I am quoting—

> draws on that analysis.
>
> Each of the laws grants volunteers partial immunity. The extent of that immunity, and the conditions required for it to apply, vary not only across the states, but even within some states depending on the type of volunteer and the nature of the organization the volunteer serves. The common feature of the statutes is that unless volunteers' conduct fails to satisfy whatever standard the law specifies, they cannot be held personally liable.

Which is, of course, the goal we are after in S. 543.

> The variations result from differences in circumstances that impelled legislatures to act, effectiveness of the volunteer-protection proponents, and the sensitivity of legislatures to the prospect of injured parties being denied recovery.

The point here is that this article chronicles in a very thoughtful way that the current situation is unmanageable, when you have national organizations, volunteers crossing State borders, activity in the various States and none of the two States being the same. Therefore, this has accomplished very little in terms of the chilling impact on volunteers. They do not know what risks they face and, therefore, they are stepping back from volunteering.

Charities, especially small charities, do not have the resources to determine the difference in State laws affecting them. Amen. There is absolutely no way. Of course, as you know, Mr. President, with the outburst of lawmaking here and across the States, it is almost impossible for any citizen to understand the complexities of the law today. Just talk to them about the IRS, that one alone. But here the charities do not have the resources to understand what they are confronted with in all the different States, and if the charity does not, the volunteer certainly does not. The volunteer is really the hapless wanderer as that volunteer travels from this State to that State, and their liability threat is changing each time they go to a new location. There is absolutely no way for them to unravel it.

Therefore, concluding on this point, the national interest requires some uniformity. It does not prohibit the State from exceeding it, and it does not prohibit the State—in fact, it gives them an option to come out from under it, if all the parties of the case are from that State.

Some say this bill preempts State law, violating principles of federalism. This is the activity we have just been talking about. The bill respects federalism concerns by allowing States to opt out of its provisions for those cases in which all parties are citizens of the State. It leaves in place State laws that are not inconsistent with its provisions and allows States to pass stronger volunteer protections if they wish.

The bill also leaves in place existing State laws on vicarious liability requiring a financially secure source of recovery, requiring risk management procedures and other State requirements.

Mr. President, I am going to conclude my remarks in just a few minutes. It is my understanding that Senator D'AMATO is going to be in the Chamber at 2 o'clock for a matter that he will choose to discuss. I want to reiterate, S. 543 is a 12-page, double-spaced, clean-cut bill that helps Americans respond to the President's call to volunteer. It has nothing to do with the significant labor dispute on policy between the Congress trying to protect its rights of the third branch, and the President trying to change labor law by Executive order. It has nothing to do with that whatsoever. Nor does it

have anything to do with the controversy or debate over the supplemental on Bosnia, disaster, and other matters. That legislation is still in committee and not before the Senate. What is before the Senate is S. 543. Its sole purpose is to make it easier for an American to volunteer and protect the unique treasure that voluntarism represents for the United States.

We have, I believe, two cloture votes set for tomorrow. So given the circumstances, I suspect we will come back to this legislation. I suggest the absence of a quorum pending the arrival of the Senator from New York.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

MORNING BUSINESS

Mr. COVERDELL. Mr. President, I ask unanimous consent that there now be a period for the transaction of morning business with Senators permitted to speak for up to 5 minutes each, with the exception of Senator D'AMATO for up to 60 minutes.

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

Mr. D'AMATO. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

SWISS SUPPORT FOR REQUEST TO PUBLISH ACCOUNT NAMES

Mr. D'AMATO. Mr. President, yesterday I received a very important and a very encouraging letter from Ambassador Thomas Borer. Ambassador Borer is the special representative that the Swiss have appointed to handle the very perplexing and very troublesome question as it relates to the assets of Holocaust victims during and after World War II, particularly those as they related to the accounts that were opened in Swiss banks.

Let me read this letter. It is a short one, but a very important one. It is from the Embassy of Switzerland, addressed to Senator D'AMATO as chairman of the Banking Committee, Washington, DC:

DEAR MR. CHAIRMAN: I am referring to your letter of March 20, 1997 and my reply of March 27, 1997 regarding the question of publishing the names of dormant account holders from the Holocaust era.

Please find enclosed [a] copy of the letter of the Chairman of the Swiss Bankers Association to the Chairman of the Swiss Federal Banking Commission dated April 28, 1997. In this letter the SBA expresses its unequivocal support for this idea.

I am going to place this letter in the RECORD.

Mr. President, I ask unanimous consent that the letter be printed in the RECORD.

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

EMBASSY OF SWITZERLAND,
Washington, DC, April 28.

Hon. ALFONSE D'AMATO,
Chairman of the Senate Banking Committee, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: I am referring to your letter of March 20, 1997 and my reply of March 27, 1997 regarding the question of publishing the names of dormant account holders from the Holocaust era.

Please find enclosed copy of the letter of the Chairman of the Swiss Bankers Association to the Chairman of the Swiss Federal Banking Commission dated April 28, 1997. In this letter the SBA expresses its unequivocal support for this idea.

Sincerely yours,

THOMAS G. BORER,
Ambassador.

Mr. D'AMATO. Mr. President, let me tell you what this is about. I did write to Ambassador Borer. I spoke to him on March 20. And I indicated to the Ambassador that I thought that it was awfully important that the Swiss Bankers Association, that the Swiss Government do something to demonstrate tangibly an effort of good faith, that would be very important, that there are many accounts—we do not know exactly how many; but certainly they go into the hundreds, and they may go into more—that have been dormant since 1945, that it made little sense to wait years until the Swiss completed their investigation for the release of these names, that even if it took legislation—and I explained to him that it had been advised to me that there was a good possibility that it might not even take legislation—that the names of these accounts—those are dormant accounts that were opened prior to 1945 and that have been dormant since that point in time—that the need for secrecy certainly no longer existed, but that there was a need to connect the families and the heirs today who might have claim to those accounts, to their heirs, to their families.

It is not just a question of money. It is a question of doing what is right, because unfortunately for 50-plus years people have been denied, heirs have been denied. They have had to go through a tortuous process, that in many cases it is just impossible to ascertain what moneys may or may not have been left to them, and that by the publication of the names in some registry, in some total form—something that is being done in many countries, in many States in our country where there is a dormant account, the names of the people are actually published so that people who may have claims can come forth.

I wrote to him, and I will just quote you part.

I am writing to you to impress upon you the need for the passage of legislation which would allow for the publication of names of dormant accounts presently held in Swiss banks. I feel that this change would go a long way towards solving this enormously difficult and complicated problem and would equally be seen as a productive step which I am sure would be warmly received.

I am pleased to tell you that the Ambassador reported to me yesterday, yesterday morning, that the Swiss Bankers Association unequivocally supports the concept of public disclosure of the names of the account holders in this very special and limited situation of the dormant accounts now being investigated as it relates to the Holocaust and those dormant assets.

I believe, Mr. President, that this is important.

Mr. President, I ask unanimous consent that the letter from me to Ambassador Borer and a letter from the Swiss Bankers Association be printed in the RECORD.

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

U.S. SENATE,
Washington, DC, March 20, 1997.

Ambassador THOMAS G. BORER,
Federal Department of Foreign Affairs, Bern, Switzerland.

DEAR AMBASSADOR BORER: I am writing to you in connection with the on-going inquiry by the Senate Banking Committee into the fate of assets held by Swiss banks belonging to victims of the Holocaust. As you are aware, among the issues which the Committee has focused its attention on has been the status of dormant accounts which may still exist in Swiss banks. My concern is that the present status of Swiss law inhibits any effective way to ensure the return of these assets to their rightful owners.

Presently, both the Volcker Commission and the New York State Banking Department are conducting inquiries designed to locate and identify dormant accounts. This of course is in addition to the 1996 survey undertaken by the Swiss Bankers Association and any internal reviews being conducted by the banks themselves. The problem lies in the bank secrecy provisions of the Swiss Federal Banking Law which preclude any effective way to contact the rightful owners of any dormant accounts uncovered through these efforts. For example, if a dormant account belonging to a Holocaust victim is located and that account holder did not name a beneficiary when the account was opened, there is no mechanism in place by which the heirs of that Holocaust victim could receive that which is rightfully theirs. The only way he would be in a position to make a claim to those assets would be if he knew of the existence of the account and the name of the bank in which it is located. Obviously, if the rightful heirs possessed such information, the account would have been claimed long ago. In cases where the account holder did name a beneficiary, it appears that less than diligent steps were taken to locate these beneficiaries. This was made abundantly clear in the case of the 53 accounts turned over to the Polish Government pursuant to the Swiss-Polish Agreement of 1949. Notwithstanding the fact that the Swiss government classified these assets as heirless and turned them over to the Polish government, the recent publication of the names this year led

to the location of several heirs within days of the publication.

Although much reliance has been placed upon the role Mr. Hanspeter Hani, the Ombudsman, the fact is that little faith is placed in his office given the results of his searches thus far, as well as the enormous restrictions on what he can do. Although he accepts a fee of one hundred francs, he merely screens the claims and circulates a portion of these names to the banks. Clearly this is not the most effective way to connect dormant accounts with their rightful owners and indeed, the numbers speak for themselves. Despite the fact that well over one thousand claims have been filed with his office, less than one percent have resulted in the return of assets to a claimant. The very justification given by the Swiss Bankers Association for charging the one hundred franc fee was to discourage false claims, this leads to the inescapable conclusion that the claims received by his office are indeed legitimate, but nevertheless, virtually all claims have been rejected. The failure of Mr. Hani's office is but one indicator of the barriers set up by Swiss law which prevent an effective notification system to the owners or heirs of dormant accounts.

I am writing to you to impress upon you the need for the passage of legislation which would allow for the publication of names of dormant accounts presently held in Swiss banks. I feel that this change would go a long way towards solving this enormously difficult and complicated problem and would equally be seen as a productive step which I am sure would be warmly received.

Although I am cognizant of the precedent setting concerns of lifting the bank secrecy laws, I'm sure we all agree, the fate of assets placed in Switzerland during the Second World War is a unique situation calling for a unique response. The fact is, these accounts were opened over fifty years ago, so it is hard to imagine that present or potential customers of Swiss banks would be concerned about the publication of this limited group of names. What happened during the Second World War was unparalleled in the history of modern civilization and accordingly exceptional measures are called for.

The Volcker Commission will soon begin its review and additional dormant accounts will almost certainly be found. Is it really necessary to wait between two and five years for the Commission to complete its work before a decision can be made on how to handle these accounts? Clearly a more effective solution would be to allow for the publication of the account names as they are found so that efforts to locate the rightful owners can begin immediately. New York State presently has such a mechanism in place whereby banks publish the names of dormant accounts which are present on their books. This publication is done through major newspapers and if any owners or potential heirs believe that they are entitled to the contents of a published account, a claim is filed with the bank, which then reviews the claimant's documentation to ensure that it is legitimate. If nobody comes to claim the money, it is turned over to the Office of the Comptroller of the State of New York which handles any future claims and relieves the bank of further liability. It is a fairly simple system which has been in existence for over fifty years and frankly I am not aware of any criticism or problems with it.

I think we all agree that the manner by which dormant accounts existing in Swiss Banks are to be handled is an issue which will have to be addressed. There is simply no justification for maintaining the veil of secrecy over these accounts. I firmly believe that the only effective way to ensure that the assets are returned to their rightful owners is to publish the names of the dormant accounts holders and that it be done as they are uncovered rather than years from now.

If you would like to discuss this matter further, please do not hesitate to contact me.

Sincerely,

ALFONSE M. D'AMATO,
U.S. Senator.

SWISS BANKERS ASSOCIATION,
April 28, 1997.

Dr. KURT HAURI,
Chairman, Swiss Federal Banking Commission, Bern.

Re: Publication of names of Holocaust-related dormant account-holders

DEAR DR. HAURI: In recent weeks, it has been proposed that the names of the holders of accounts opened before 1945 that have been identified as dormant, be disclosed publicly for the purpose of advancing the efforts of the Swiss banks, the Swiss Government, Jewish organizations and others to assist Holocaust victims and their heirs locate their assets. You expressed support for such a proposal on April 22, 1997. As you know, the recent initiative by the Swiss Bankers Association (''SBA'') resulted in the identification of dormant accounts that include accounts that may have belonged to victims of the Holocaust. The Independent Committee of Eminent Persons (the ''Volcker Committee'') is currently in the process of identifying all dormant assets held by Swiss banks that could have belonged to Holocaust victims.

I am writing to express the SBA's unequivocal support for the concept of public disclosure of the names of account holders in the very special and limited circumstances presented by Holocaust-related dormant assets. It is our hope that, working with the Federal Banking Commission, the Swiss Government and other interested parties, including the Volcker Commission, a mechanism will be implemented soon that will permit such disclosure consistent with Swiss law and sound banking practices.

When such mechanism is put in place, the names of account holders can be disseminated throughout the world. Public disclosure of the names of account holders Holocaust-related dormant assets is a position that is fully supported by the three largest members of the SBA, Credit Suisse, Swiss Bank Corporation and Union Bank of Switzerland. Each of these institutions have committed to sharing in the costs required to globally publicize a list of account holders names.

We look forward to discussing this matter with you in the very near future.

Yours sincerely,

DR. GEORG F. KRAYER,
Chairman.
J.P. CHAPUIS,
Delegate.

Mr. D'AMATO. Mr. President, the chairman of the Swiss Bankers Association in his letter stated:

I am writing to express the SBA's unequivocal support for the concept of public disclosure of the names of account holders in the very special and limited circumstances presented by Holocaust-related dormant assets.

This announcement is a major breakthrough because, for the first time, the Swiss bankers will be providing account names on a timely basis. We will not have to wait for the completion of the Volcker Commission and its report. That investigation may take a period of years to be completed. Why should the heirs and those people be deprived of a much more expeditious manner to come forward and to establish the right to those accounts?

It is about time this has taken place because this question is one that has existed for over 50 years. I am pleased that we are making progress. I look forward to continuing in the efforts of attempting to see that justice is done, not only as it relates to the dormant accounts, but also on the question of the disposition of other assets and also in terms of the accountability of assets, of huge amounts of gold and other matters that were, I believe, surreptitiously and illegally transferred by the Nazis with the aid and assistance of some who claimed neutrality.

But the point of the matter is that this is a significant breakthrough. I want to thank Ambassador Borer. I think he is to be commended because this is a significant departure and one that is long overdue from the past policies that said, ''Oh, no; these are secret accounts. They have been opened up that way,'' and then requiring people to go through incredibly difficult, if not impossible, proofs, requiring them to come up with sums of money that in many cases people just do not have. The question of having people, in the past, turned back because they did not have a death certificate of a family member who died in the death camps—that kind of thing has taken place repeatedly over the years.

It certainly did not bode well for the fiduciary responsibility that the banks held up. They were the beacon and the repository of people's money, that they could rest at ease that their families would be protected and the assets protected. Indeed, the veil of silence worked to enrich others at the expense of the legitimate heirs.

So, for the ambassador to be able to bring about this sea change—this is a sea change, this is a significant breakthrough. I look forward to continuing to work in this area to see to it that the publication of these names takes place as quickly as possible so that there can be this feeling of closure that many are looking for. It is not just the money. It is a question of justice that people are seeking.

Mr. President, I am heartened today by this very significant action that the Swiss Bankers Association have pledged. I look forward to working with the ambassador and the other representatives of the Swiss Government in seeing to it that this matter is dealt with sooner, rather than later. This is the commitment that they have made. This is a very prestigious, very important group. I hope this can be carried out, again, within a matter of days or weeks. Mr. President, 52 years is too long to have waited for this to take place. But better now than never. It still is, hopefully, the harbinger of better things to come in terms of clearing up and getting down to the roots of what has taken place.

I commend the ambassador for this and say that I am very heartened because I think this is a tangible success.

I also say to the World Jewish Congress and Edgar Bronfman and Israel Singer, they are to be commended for never losing faith in continuing their effort. Without their persistence, we never would have reached the point where we now have a proposal to put $4.7 billion forward in a humanitarian fund to be administered by a number of organizations in countries that will play a part in determining those people who are most in need. That fund would be administered over a period of some 15 years. Without the World Jewish Congress and its leadership, its perseverance, we never would have achieved the results I am speaking to today. That is, the publication of the names of those people who had dormant accounts, going back to 1945, nor would we have achieved the setting up of this humanitarian fund to aid those who are elderly and most in need.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. FEINGOLD. Mr. President, I ask unanimous consent to speak as if in morning business for 20 minutes.

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

(The remarks of Mr. FEINGOLD pertaining to the introduction of S. Res. 80 are located in today's RECORD under ''Submission of Concurrent and Senate Resolutions.'')

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Tuesday, April 29, 1997, the Federal debt stood at $5,348,144,848,321.78. (Five trillion, three hundred forty-eight billion, one hundred forty-four million, eight hundred forty-eight thousand, three hundred twenty-one dollars and seventy-eight cents)

Five years ago, April 29, 1992, the Federal debt stood at $3,887,187,000,000. (Three trillion, eight hundred eighty-seven billion, one hundred eighty-seven million)

Ten years ago, April 29, 1987, the Federal debt stood at $2,266,610,000,000. (Two trillion, two hundred sixty-six billion, six hundred ten million)

Fifteen years ago, April 29, 1972, the Federal debt stood at $1,063,005,000,000. (One trillion, sixty-three billion, five million) which reflects a debt increase of more than $4 trillion—$4,285,139,848,321.78 (Four trillion, two hundred eighty-five billion, one hundred thirty-nine million, eight hundred forty-eight thousand, three hundred twenty-one dollars and seventy-eight cents) during the past 15 years.

Mr. COVERDELL addressed the Chair.

The PRESIDING OFFICER (Ms. COLLINS). The Senator from Georgia is recognized.

Mr. COVERDELL. Madam President, if I might inquire as to the matter of business before the Senate?

The PRESIDING OFFICER. The Senate is in a period for the transaction of morning business at this time.

Mr. COVERDELL. Madam President, I ask unanimous consent that we dispense with the period of morning business and return to S. 543.

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

VOLUNTEER PROTECTION ACT OF 1997—MOTION TO PROCEED

The Senate continued with the consideration of the motion to proceed.

Mr. COVERDELL. Madam President, I guess only those who have just tuned in would be aware of the fact that we have been discussing an attempt since Monday afternoon, from Monday afternoon until Wednesday at 3 p.m., to allow the Senate to proceed to S. 543. The other side has decided to filibuster this legislation and has now twice blocked our attempts to end debate and move on to the bill. Although we are getting closer, we might say, well, maybe if there are five more votes like the one today, we will finally end the debate; the bill being a very narrow, specific proposal that tries to respond to the call of the President and three former Presidents to encourage voluntarism in America.

To revisit for a moment what was going on in Philadelphia, it was Gen. Colin Powell who said that ''the multiple crises confronting children in America have the potential to explode our society.'' I am going to reread the quote of General Powell.

> ''The multiple crises confronting children have the potential to explode our society,'' as General Powell called on his fellow Americans to make an extraordinary personal commitment to serve as mentors to at-risk youth.

Earlier today I pointed out that volunteers being called on today are often called on to participate in situations that are less than normal environments; that the potential for volatility and miscommunication and misunderstanding is very high.

S. 543 has perhaps more importance today than it did over a decade ago when it was first envisioned in this Congress because it gives the volunteer a shield, a modest shield I might add, from certain kinds of liability. It does not protect the volunteer from willful or wanton misconduct. For example, if a volunteer were driving an automobile and inebriated, there would be no protection whatsoever. But for the everyday routine activity, it would protect the volunteers.

Here we have General Powell saying to his fellow Americans, make an extraordinary personal commitment to serve as mentors to at-risk youth. And here we are having spent 3 days trying to pass one modest proposal to help those volunteers step forward and we are systematically choked and throttled. What a great response to General Powell and to the Nation, calling on Americans to come forward and then we have a boot on their neck right here in the Nation's Capitol in this Chamber.

It goes on to say:

> Together with President Clinton, former Presidents Bush, Carter, Ford, 30 Governors and 100 mayors participating in a conference on volunteering—

Conference on volunteering—

> Powell said that as many as 15 million young Americans need mentors to help them overcome the adversities they face.

Well, by logical conclusion, that means we have to have many millions of Americans to come forward to take care of just this audience—15 million young Americans need mentoring. That does not include the senior citizens who need mentoring, who need Meals on Wheels, who need somebody to come by and visit in the evening. That does not include the young people who are involved in youthful sports like Little League baseball or Pop Warner football. That does not include the Americans that would travel to the Midwest to assist in filling sandbags, who would help clean out the muck and debris that will follow this flood.

In other words, it requires millions upon millions of Americans to step forward. And yet a cursory review of the data demonstrates conclusively that because of legal threats, the number of volunteers is dropping. It is going in the wrong direction in terms of what General Powell and Presidents Clinton and Bush are asking. There are not more Americans stepping forward; there are less. And a principal reason there are less is that they do not mind volunteering, but they do mind putting their entire family's assets—their checking accounts, their home, their business—in a legal lottery.

I told the story this morning of the situation where a charity, a nonprofit, had a gym for youth to use after school and a youngster broke his arm when he dropped the weights. The organization did not have any resources to speak of, but the volunteer receptionist did. Guess who got sued. Right, the volunteer receptionist. Those kinds of things get around, and before long you have more and more Americans saying, ''I want to volunteer, but I don't want to jeopardize my family.''

> General Powell said these children are at risk of growing up physically or psychologically abused. They are at risk of growing up addicted to the pathologies and the poisons of the street. They are at risk of bringing children into the world before they themselves have grown up. They are at risk of never growing up at all.

Madam President, I have been joined by two of my most esteemed colleagues, Senator ASHCROFT of Missouri and Senator THOMAS of Wyoming. I am going to call on Senator ASHCROFT to make a few remarks, but I would just

like to remind the Senator and close on this point, that not only are we asking American volunteers in the summit to step forward in greater numbers but—and this is a key point we have not talked enough about—we are asking them to be volunteers in very difficult environments—in poisonous streets, dangerous streets, where communications are difficult. In other words, where the threat of being liable for an error or mistake is probably many more times multiplied. This is not just asking volunteers to go on a fishing trip. We are asking volunteers to go into some very tough situations which only complicates and calls further on this Senate, this Congress to do something to give them some relief from the threat of everything they own being up for grabs.

With that, I yield the floor.

Mr. ASHCROFT addressed the Chair.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

Mr. ASHCROFT. I am deeply grateful for this opportunity to respond to the final point of the Senator from Georgia, who has pointed out that we need volunteers among the most needy and among the most deprived individuals in our culture, and those most needy and deprived individuals are the riskiest people to help.

I cite this article which I hold in my hand on civil justice: ''A Thousand Points of Fright?''—f-r-i-g-h-t, not l-i-g-h-t. It is a scholarly work by David Webber. He writes that ''lawsuit fears are dampening the enthusiasm of volunteers.'' And he says, ''And the White House is beginning to take notice,'' which is constructive. I commend the White House. I commend the President for mobilizing the Presidents, to have the Presidents' summit on voluntarism.

But one of the interesting things that the governmental relations director for the National PTA says is that ''we are just more conscious than ever before of litigious possibilities. The bad thing has been the chilling effect on activities we can sponsor, especially for high-risk kids—kids with handicaps—and child care programs.''

What he has basically said is exactly what the Senator from Georgia was speaking of; that in the highest risk situations we have a chilling effect not only on volunteers but on programs, where you begin to see the withdrawals of programs, the programs that do not go into effect, the programs that do not exist, opportunities that are never capitalized on because of this sort of chill that comes from the litigious, as he calls it, possibilities.

I must admit that frequently these possibilities do not result in a lawsuit with a verdict against the volunteer, but if you work as a volunteer and you are sued, it could cost you $10,000 just to defend the suit—$10,000. And, of course, you could have a judgment against you just as the Boy Scout leader from the Cascade Pacific Council had a verdict of $4 million against him, because you let the boys play touch football, or the Little League coach who, because he shifted the player from shortstop to left field, gets a judgment against him. I mean these volunteers obviously are going to think about what happens to their family. How can my kids go to school? I would love to help the world, but I have to protect my family.

That would be a response you would have to commend in individuals, and yet it is not something we want in America. We do not want to have to choose between helping the world or protecting our families. We want to be able to say to a volunteer, you can do both. The genius of America is that we do not have to be selfish in order to protect our families. The genius of America is that we have always been able to help each other, while we have protected our families.

The kinds of lawsuits that we have seen are just incredible. A 14-year-old boy was sliding into home plate head first when he collided with the catcher. The catcher had blocked the plate as instructed. Catchers are always instructed to block the plate. In the rules of baseball, it is the only position where you are entitled to stand in front of the plate without the ball. But the catcher had blocked the plate and, unfortunately, there was a neck injury. Although plaintiff came to the league sliding head first, and that was the way he liked to play baseball, the volunteer coaches were found negligent for not being able to adjust the way the child slided—slid. I sound like Dizzy Dean, who used to say ''slud into second.'' But volunteer coaches were held negligent for not instructing the player on proper sliding techniques and failing to warn of the danger created by sliding into home plate head first. Of course, the player obviously watched major league player after major league player, role models all—and they should be, many of them great folks—sliding in head first.

I wonder about asking people to volunteer to coach these children, so many of them without dads in their own homes, so many of them at-risk kids, doing their best to provide them enthusiasm for their sport, and restraints so as to protect themselves. And, when there is an injury, having that kind of lawsuit. So many of our volunteers are around sports—you wonder about the kind of lawsuits that surround sports.

Here is one that really stunned me. It was a part-time official who was asked to officiate in a crucial Big Ten basketball game. At the last second he called a foul that gave one of the teams a victory. He called them like he saw them. It switched the victory. A souvenir company that had anticipated the victory by the other team sued the official, challenging his call with a $175,000 negligence suit claiming he had wrongfully harmed the souvenir company's ability to sell their souvenirs. The official won the lawsuit. So let us just lay that to rest, the official won the lawsuit. But only after a 2-year court battle that went all the way to the Iowa Supreme Court.

Do you know what it takes, in terms of resources, to take a court battle to the supreme court of one of our States? I mean, it takes more than it takes to send a kid to college. It takes more than it takes to have family vacations. It takes more than it takes for some families to buy a home. It certainly takes more than it takes even for the wealthiest families, almost, to have a downpayment on a home. We ask people to volunteer in these kinds of settings. It seems to me we ought to have some protection for them.

Here is another one that caught my eye. I should not say ''caught my eye,'' because this is about a person who was hit in the eye, a catcher in a softball game. He was playing without a mask. The umpire had a mask. The catcher got hit in the eye. He sued the umpire because the umpire had not given him his mask. The catcher walked away with a $24,000 settlement.

We are asking people to volunteer. I think the President is doing the right thing. There is absolutely no question in my mind that he is calling America to greatness, a greatness that reflects the character of the fact that we care for each other. That is what America is all about. It is what sent de Tocqueville back to France, 150 years ago, exclaiming about the virtue of America. He said it was not to be found in the corridors of the bureaucracy or the Halls of the Congress. He said it was to be found in the people. He said America is great because America is good.

We want the goodness of America to be reflected again in this country. We want the capacity of people to identify with each other, to love each other—literally love each other enough to say I am not just content to work with my own kids, I am going to work with the kids in the neighborhood and some kids who are not as fortunate as mine. Maybe they are kids who have lost their mom or dad, for one reason or another. That kind of tragedy has touched my family and it has touched most of the people in this country, and we want the loving character of American citizens to be available and we do not want it to be inhibited. We do not want it to be so you cannot volunteer.

I think about those women in Evanston, IL, who wanted to set up the home for battered women. They could not get insurance because of the litigation potential. All the insurance companies said you have to operate for 3 years without insurance before we can determine whether or not we will insure you. So nobody could risk their own family in order to help other people. They did not want their own homes to be taken in order to provide a home for someone else. So we end up not having that extension of compassion in our culture.

I do not think there is any President who has more successfully said to the

people in this country, ''I feel your pain.'' He says it with sincerity, and I believe he does. He has a great capacity to empathize. And he has called this country to feel it, to feel the opportunity and respond to the opportunity to help one another. And we have a great opportunity to say we are going to take a big roadblock out of the way.

I started out by referring to this article, ''A Thousand Points of Fright?'', saying the most difficult to help are the riskiest to help. And they need help badly. We have this barrier standing in the way. We have gone through examples. I guess we could tell stories about these lawsuits until the cows came home—at least that's a phrase my aunt used to use—but the truth of the matter is, this is important. It was important enough for the four previous Presidents of the United States to join the current President of the United States and one of the greatest military heroes of our age, to join the whole effort and to galvanize public opinion to try to say we need volunteers.

It is a little bit confounding, to think there are those in this body who want to stop us from considering—who do not even want us to have a chance to debate and vote on an issue like giving volunteers this kind of break.

I do not know how anybody could say we want to make sure that a person who volunteers has the potential to be sued and harassed. I notice that a former Attorney General of the United States, Dick Thornburgh, wrote an opinion piece for one of our major newspapers. He said: ''If you are sued, the average cost to defend yourself—'' in a case not involving a car, car cases cost a lot of money, usually—''is $7,500.'' There isn't anybody who can afford that and that is the average cost. That includes the cases that are dismissed.

I think it is time for us to say we want more volunteers, we want to cooperate with the President, we want America to be what America has the character to be. It is time for us to respond to the people. We need to respond to the people by inviting them to have the kind of caring compassion reflected in voluntarism. It is the least we can do to pull the roadblocks out of their way and make a clear path for Americans to care for each other.

I yield the floor.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

Mr. COVERDELL. Madam President, I appreciate very much the remarks by the Senator from Missouri. As usual they are most eloquent and inspirational and on target. I appreciate very much his coming to the floor and sharing his views on S. 543, of which he is a principal cosponsor.

Madam President, I return to the point I was making a moment ago about what the Nation was being implored to do by General Powell and the President. Most of these initial quotes are from General Powell. He points out that President Clinton appointed General Powell as general chairman of the President's Summit for America's Future and the former Chairman of the Joint Chiefs of Staff pledged to ensure that ''promises made during the celebrity-packed event are fulfilled long after the hoopla is over.''

Madam President, the hoopla is over. It is time, frankly, for all of these officials to send a message here, I think, that we need to take this affirmative step. It is a perfect affirmative step for us to take, following the glorious visuals, and get down to the real grassroots practicals, which are the protection, as framed in S. 543, of volunteers, so that they are able to respond to the hoopla. Down in my part of the country, they say this is now where ''the rubber hits the road.'' It is no longer the glory of the balloons and television. We are talking about the real, practical efforts that have to take place on the ground to make it possible for volunteers to renew America's volunteer spirit.

The President went on to say to General Powell: ''This may be your most important mission and I thank you for reenlisting.'' The few thousand delegates from across the Nation who were seated on the lawn outside the historic structure, rose to their feet in applause.

It is obvious that the inspirational moment was infectious. How often have we witnessed a gathering like this, raising the expectations, lifting the heart, bringing a nation to its feet—an exhilarating moment, only to find 3 months later or 6 months later that the issue disappeared with the last hand clap, that all the expectations that were being sought were forgotten after everybody got back on the plane, got back home. We do not want that to be the legacy of this summit. Congress ought to step forward, not only on the proposal that I and others have offered here, which alleviates, and creates a shield, protects the volunteers, makes it possible for them to answer this call and to be a piece of this applause, to be an extension of this applause.

There are many things we ought to do to expand voluntarism in America, and make it easier and more readily doable. But an absolute must, as a beginning, Madam President, is that we remove the chill and legal intimidation that has caused a dramatic drop in the number of Americans who will answer the call, that have left doubt in volunteers about what they do. Even if they answer the call, the way they respond to their activity is changed and altered by this legal chill that hangs over voluntarism in America.

It goes on to say:

By encouraging volunteering, the President is trying to promote positive change in American society at a time when the Congress and bipartisan emphasis on balancing the Federal budget make it politically difficult, if not impossible, to create new Government programs to address the country's pressing social problems.

This is an appropriate response. This is exactly correct. America's financial predicament does not allow us to do some of the things we have done in the past, and America must call on its citizens to help fill the gaps.

This is not a new experience for America. America was founded in times of austere circumstances for most Americans, and it was in that era that the concept of American voluntarism was born. So we are not creating a new phenomenon here; we are simply returning to our roots.

Everybody remembers—we have either seen it or read about it—the volunteer coming to the aid of a family that was damaged by some accident or problem in the rural area of our country—the barn building, the coming together in any kind of need to help families, community members. As I said earlier, this is as much a part of America's treasure as its Capitol, as its monuments, as its parks. Voluntarism is a unique feature of American life, and it ought to be nurtured and protected, just as we do the other American treasures, like the way we care for this Capitol. This is the Capitol of the United States, the capital of the free world, and it is an expression of who we are as a people, and we care for it. We should be every bit as attentive to our concern about the treasure that voluntarism makes for America.

There is no way to ever calculate the value of what American voluntarism has meant to our country in any given year. It is billions upon billions of dollars that are freely given and invested to help the country be a better place. But I think the connection that the President makes between the need for voluntarism and the financial predicament the country faces is correct.

This is a difficult time. This is a time of shrinking resources. Our generation of Americans has to confront decisions that were made over the last three decades that have left our generation to deal with over $5 trillion worth of debt and to deal with promises that, unmanaged, will consume 100 percent of the U.S. Treasury within 8 years.

Let me repeat that. Our basic entitlement programs already consume over 50 percent of the U.S. Treasury, which is a dramatic increase from when I arrived just 4 years ago. It is spiraling upward. So it is absolutely correct for the President to make a linkage between the financial condition of the country and the need to reach out and get Americans to do things on their own accord that the Government can no longer do—maybe one can argue never should have done in the first place. I am sure part of the reason voluntarism has been weakened is because there has been a message that has been reverberating around the country for about 25 years that the final resolution of all of our community ills ought to be the Government. I think we are learning that that is not, and has never been, the case.

The final resolution of many of our ills rests with the people themselves. A key component of that is the American spirit and the American willingness to volunteer.

The President goes on and says:

The era of big Government may be over, but the era of big challenges for our country is not.

I think every American would agree with that.

''So we need an era of big citizenship,'' the President said in Philadelphia. ''We need an era of big citizenship.''

I certainly agree with that, and I think every Member of Congress would agree with that. But while the Government may not be able to do some of the things it used to do, the Government certainly should not be an impediment to big citizenship. The Government ought not to be throttling attempts to make it easier to be a forthcoming citizen.

Frankly, I don't think the Government should be engaged in a filibuster that prevents our moving legislation that would make it dramatically and clearly easier to be a part of the era of big citizenship.

General Powell, who has experience orchestrating successful operations, has made it his own personal crusade to recruit an army of millions of volunteers around the country. He has committed himself to being able to certify by the year 2000 that the 2 million children lacking mentoring, safe places to play and learn, health care, marketable skills, and a good education will have those needs met.

Once again, he alludes to the point that I have mentioned several times this afternoon. Safe places to play begs the question that many of them do not have safe places to play today. They are dangerous places, and being dangerous, they are more likely to be places in which accidents and mistakes and misunderstandings occur. In other words, this is not your normal playground. This may be a rough-edge community which you are asking the volunteer to enter, to subject themselves.

A more dangerous place means it is fraught with the potential of legal action. So we are asking these millions of volunteers not only to come forward, but to come forward into environments that are less predictable and, therefore, create a greater risk for the volunteer.

I mentioned earlier today, Madam President, that the need for this legislation is fairly new; that we did not have a problem of volunteers being sued until we got into the eighties. Suddenly they became targets, and once you get something like that started, it feeds on itself, and it has. So the lawsuits have grown, and the threat has grown.

Now we are saying, in this environment where litigation is more prevalent, on top of that, we want you to go into a more difficult environment. Well, there is an incongruity here. As a result of this exchange, one of my first acts will be to communicate to General Powell that we need his help to convince this Congress that they need to remove barriers so that he can get his 2 million volunteers to come forward.

Madam President, the hour is now 20 till 4. We have now been on this since 2 o'clock last Monday, this 12-page bill, double spaced, and we continue to be prohibited from actually going to the debate. We will revisit this, but for the moment, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

EXECUTIVE SESSION

NOMINATION OF ALEXIS M. HERMAN, OF ALABAMA, TO BE SECRETARY OF LABOR

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate now go into executive session to consider Executive Calendar No. 70, the nomination of Alexis Herman to be Secretary of Labor. I further ask that there be 30 minutes of debate on the nomination to be equally divided between the chairman and ranking minority manager; I further ask unanimous consent that immediately following the expiration or yielding back of the time, the Senate proceed to a vote on the confirmation of the nomination, and immediately following the vote the President be notified of the Senate's action, and the Senate then return to legislative session.

Mr. DASCHLE. Mr. President, reserving the right to object, and I only do so to commend the distinguished majority leader for his work in bringing us to this point. This has been the subject of extraordinary discussion and negotiation. It would not have been possible were it not for his cooperation and the work by several Senators, including the distinguished chairman of the Labor Committee and the ranking member, who are on the floor at this time. I thank the majority leader for his effort, and I appreciate very much the work to bring us to this point.

I have no objection.

Mr. LOTT. Mr. President, before the Chair rules on the unanimous consent request, I suggest the absence of a quorum.

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

The legislative clerk proceeded to call the roll.

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

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

Mr. LOTT. Mr. President, I renew my request for a unanimous-consent agreement that we proceed to Calendar No. 70, the nomination of Alexis Herman to be Secretary of Labor.

The PRESIDING OFFICER. Is there objection to the request?

Hearing no objection, it is so ordered.

Mr. LOTT. Mr. President, I do want to thank the distinguished Democratic leader for his comments. He knows quite well that there had been concerns, initially, about this nominee. I have been satisfied that she is qualified for the job. But I didn't know all the details of allegations or problems that had been identified. The committee, under the leadership of the chairman, took their time, they looked into the potential problems and allegations, and they finally took a vote. I believe it was a unanimous voice vote. Members of the committee had adequate time to look into these potential problems. I think the nominee has assured Senators that her conduct is going to be very circumspect as Secretary of Labor. I am satisfied that she will do that and that she will work with the Congress and the Senate, on both sides of the aisle, and will do a good job as Secretary of Labor.

Now, the second problem, of course, has been the idea that there would be an Executive order with regard to Federal union contracting. There has been a considerable amount of concern, as the Senator knows, about this being done through Executive order. We feel that should be done by the Congress with recommendations and time for consideration. But we have worked out an understanding with the administration of how this matter will be handled. Based on their assurances, which we feel they will honor, we felt it was appropriate to proceed with this nominee.

I want to say, again, that the nominee was not the problem over the last few weeks. The problem was an understanding about how labor law should be changed. I think we have reached a point where we can enter into this agreement. I thank the assistant majority leader, DON NICKLES, for his effort. He is knowledgeable in this area. He has been aggressive in trying to identify the problem and trying to find a solution. I did have a chance to discuss this last night with the President. He has had an opportunity to discuss it with representatives from the White House, and I feel that an amicable arrangement has been reached.

I yield the floor.

Mr. DASCHLE. Mr. President, I thank the majority leader for his explanation and for his description of the current set of circumstances. We have known now for some time that the delay in confirming Ms. Herman had little to do with her qualifications or the degree to which there was support on the Senate floor. It had to do with the dispute over Federal contracting.

I am pleased that the dispute has ended and that we find some applicable resolution to that issue. I have not seen the details of that particular agreement, but I am very pleased that, at long last, Ms. Herman will have the

opportunity to serve in her new capacity as Secretary of Labor. We look forward to working with her, and it is my expectation that there will be an overwhelming vote this afternoon on her behalf.

We look forward to beginning as early as next week to see her in office and working closely with us on an array of very important matters to be taken up in the next 2 years.

I yield the floor.

The PRESIDING OFFICER (Mr. FAIRCLOTH). The nomination will be stated.

The legislative clerk read the nomination of Alexis M. Herman, of Alabama, to be Secretary of Labor.

Mr. JEFFORDS addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. JEFFORDS. Mr. President, I rise today before the Senate to recommend that we approve the nomination of Ms. Alexis M. Herman to serve as Secretary of Labor.

Ms. Herman's career has been filled with many firsts. In 1977, Ms. Herman was appointed by President Jimmy Carter to be the first African-American woman to lead the Women's Bureau. Twenty years later, Ms. Herman is poised to become the first African-American woman to serve as Secretary of Labor.

To be appointed and confirmed as the Secretary of Labor is one of the greatest honors that our Nation can bestow upon an individual. It is an honor, however, that comes with a heavy burden of responsibility. Individuals who hold this office become stewards of the public trust and bear a great responsibility to the working men and women of America. It is my hope and my sincere expectation that Alexis Herman will preserve this trust and serve our country ably and effectively as Secretary of Labor.

Ms. Herman will take the helm of the Department of Labor at a critical juncture in its history. The passage of welfare reform has made the strengthening of our job-training programs more important than ever. People must be able to obtain skills that will lead to secure jobs. Workers are entitled to fair pay in a safe environment. And while a great deal of attention is being focused on the future of the Social Security system, it is incumbent upon us to ensure the stability and expand the reach of the private pension system as well. I have devoted my career to these issues and I look forward to working with Ms. Herman to strengthen the Department of Labor's education and training programs and improve the quality of life of working men and women.

It is because of my belief in and support for the mission of the Department that I have done my best to thoroughly review the background of this nominee. The pace may have seemed slow to some people but I was convinced then, as I am now, that it is better to take the time to do this job properly.

Our efforts were complicated by ongoing revelations of White House fundraising activities and by the announcement that the Office of Public Liaison, which the nominee was heading, was, and continues to be, the subject of an investigation by the Office of Special Counsel. But our efforts are now complete and the committee recommends that the Senate confirm Ms. Herman as Secretary of Labor.

Ms. Herman brings a unique set of skills and experience to the position of Secretary of Labor. In the mid-1970's she administered a pioneering program in Atlanta that helped minority women obtain white collar jobs. From 1977 until 1981, she served as the Director of the Women's Bureau under President Jimmy Carter. In this capacity she led the Department of Labor's efforts to identify and address the needs of working women across the country.

Over the years, Ms. Herman has earned a reputation for her ability to build coalitions and work effectively with groups holding disparate and divergent political views. It is my hope that these skills will be used to seriously address our Nation's workplace and work force development needs as we prepare for the 21st century.

We have an ambitious legislative agenda for this year—already the committee has reported S. 4, the Family Friendly Workplace Act, and S. 295, the Teamwork for Employees and Managers Act of 1997. These bills represent critical responses to the vast changes in the American workplace—changes that are unrecognized in a body of labor law unchanged since the Great Depression. Employers and employees should be working with, not against, each other whether it's figuring out a problem on the shop floor or in an employee's schedule.

Over the next few months we will develop legislation to better integrate education and job training programs and we will begin to explore ways to improve the security and soundness of the private pension system. These legislative initiatives will have profound implications for the economic competitiveness of our Nation and for the quality of life of American workers. We will only succeed in these efforts if we have leadership from the Secretary and a firm commitment to avoid partisan politics in the interest of addressing critical national needs.

I believe that Ms. Herman will be a full partner in these endeavors and that she will join us in our effort to improve the quality of life of working men and women. I look forward to working with her in her new capacity as Secretary of Labor.

I reserve the remainder of my time.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, as I understand it, we have 15 minutes. Am I correct?

The PRESIDING OFFICER. That is correct.

Mr. KENNEDY. I yield myself 7 minutes at this time.

Mr. President, first of all, I want to extend our appreciation to the majority and minority leaders for working out this agreement where within the hour the Senate will go on record by an overwhelming vote in behalf of an outstanding nominee for Secretary of Labor. I am grateful to them for working out this agreement.

I thank especially the chairman of our committee, Senator JEFFORDS, for the way that he has handled this nomination. Nominations come and nominations go. But the fairness and thoroughness with which he handled this nominee I think reflects extremely well, not only on our committee but on the institution as a whole. It was exhaustive. It was extensive. It was probing. It was searching, as any review should be. And at the end of the day we were able to see the result of this very thorough review in the unanimous vote by the committee. That is the way that it should be done.

All of us in this body, and I think all Americans, will be grateful for the fact that we will have a Secretary of Labor who will be at the President's elbow and will speak for working men and women in this country. But at this time, all of us in the Senate should know the outstanding job that she has done.

Mr. President, I am delighted that we have freed ourselves from the position that was taken by some Members here on the floor who differed with the President's authority to issue an executive order encouraging the use of project labor agreements on Federal construction sites.

I think, if we look back over the history of project labor agreements, we would see that they have been effective, they have worked, and they have saved resources. These are voluntary agreements. The Supreme Court has upheld their use on public sector construction sites. Clearly the President is justified in urging the use of those kinds of agreements when they are appropriate.

This morning in the Labor Committee, we heard the outstanding testimony of John Dunlop, who is the former Secretary of Labor, under a Republican administration, who, as the architect of many project labor agreements, reviewed in some detail just how they work, how they function, and the reasons for them. He made a very powerful and convincing case for project labor agreements. But now we have worked out a satisfactory way in which the President will issue a memorandum on that issue which will encourage these project labor agreements to go forward where they are appropriate. And now we are moving ahead with the nominee.

So I would also like to commend Senator JEFFORDS for outlining the challenges that are going to be there for the Secretary. When I arrived in the Senate, men and women were working

down at the Fall River Shipyard, building ships in Quincy, MA. They worked there with a high school diploma. They had a good job, and a good income. Their father generally had worked at the Fall River Shipyard, and even their grandfathers worked there and built some of the best ships we had in World War II, and many outstanding commercial ships as well. It is an entirely different labor market today. Everyone who enters it will have seven different jobs over the period of their lifetime at least.

The importance of having a well-trained and skilled work force is an enormous challenge for our country. We are looking forward to working with the members of our committee to try to play our role in making sure that we are going to see that those kinds of opportunities are going to be available to workers in the future.

I would like to take, Mr. President, the remaining moments here today just to speak about this really extraordinary nominee.

I see my colleague and friend, the good Senator from Illinois, has joined us, who has been such a strong supporter of the nominee, and will speak. My friend, Senator WELLSTONE, will speak as well.

If we are looking at a success story, we are looking at the life of Alexis Herman. If we are looking for personal resolution, determination, and personal moral courage and physical courage, we are looking at the history of Alexis Herman who, with her mother—who taught her to read at a very early age, in Mobile, AL—traveled as her mother was involved in one of the early literacy programs. She attended a Catholic school in Mobile, AL, that was segregated, and brought the truth to power when she challenged that school to integrate. The school resisted those entreaties. And, finally, a year later they admitted blacks into that school as a result of the determination and perserverance of this extraordinary young woman. She traveled and worked to try to bring African-American women into the work force in many of the institutions and companies of this country with great, great success.

Her life has been one of service. She has been an outstanding assistant to the President of the United States with outreach programs, trying to work to make sure that the message that was going to be coming from the White House was going to be an all-inclusive message, and one that was going to move the country along together and not at the expense of any individuals or any groups.

She served with great distinction under Ray Marshall, who was Secretary of Labor under President Carter. And Ray Marshall is one of the country's most thoughtful leaders on all of the issues affecting the training of workers and upgrading their skills. And his support—his clear, eloquent comments about the work that Alexis Herman did when she worked with Ray Marshall constitute one of the most outstanding tributes that I have ever heard about any worker in any Cabinet position.

So the President of the United States has nominated her to be the Secretary of Labor. We will, I think, have an extraordinary person, one who can bring innovation and creativity, one who can reach out to working families; one who has special insights into the challenges that are out there for workers in a changing world.

Alexis Herman exemplifies many of our most important national values. She leads by example, and has a distinguished history of bringing others along. She grew up poor in the segregated South, and she succeeded through talent, energy, and commitment. She has had a lifelong commitment to the principle of helping others to help themselves.

As I mentioned, her mother, who once was Alabama's Teacher of the Year, brought Alexis with her as she taught reading to children and adults. Alexis' first summer job was teaching reading at an inner-city housing project.

After graduating from Xavier University in New Orleans, she returned to Mobile as a social worker. She counseled delinquent youths, helped place children in foster homes, and worked to assist families in dealing with issues such as teenage pregnancy.

She saw that lack of skills and opportunities were keeping many of Mobile's black citizens from achieving their full potential.

Alexis then spent several years running a pilot program in Atlanta to place African-American women in white collar positions. Included in the hundreds of letters the committee received in support of Ms. Herman's nomination were a number of letters from African-American female executives who credited Alexis with starting them on their careers. One woman who is now a vice president at the American Cancer Society wrote that she recalled that Alexis ''advised the wisdom of getting my foot in the door first and foremost. From there, she said the rest would be up to me.''

Another letter noted that the pilot project Alexis ran placed more African-American women in management positions in Atlanta during its first year in operation than the U.S. Employment Service had placed in its entire history in the city.

As I mentioned, in 1977, when Ray Marshall became Secretary of Labor in President Carter's administration, he asked her to become head of the Department's Women's Bureau—the youngest Director ever. She worked on expanding opportunities for women in skilled trades, helped displaced homemakers obtain the tools necessary to succeed in the workplace, and co-chaired a Presidential task force to promote business ownership by women.

When President Clinton took office in 1993, he named Alexis Herman to a senior White House position as Assistant to the President and Director of the Office of Public Liaison. In this capacity, she identified the concerns of individuals and families across the country on the issues, and communicated the President's priorities to them.

In the many weeks since her nomination to be Secretary of Labor was announced last December, attempts have been made to generate controversy about various aspects of her career. However, Ms. Herman has responded to all the inquiries fully and completely. She received the unanimous support of the Labor Committee, and I anticipate that she will receive broad bipartisan support by the full Senate.

All her life, as a young student, as a career woman, as a community leader and in public service, Alexis Herman has advanced America's ideals. Hard work, dedication to excellence and commitment to leadership are the hallmarks of her character. Her entire career is a profile in courage.

She knows from her own life and firsthand experience the very real obstacles that too many Americans still face in trying to achieve the American dream. Most important, she is dedicated to the cause of improving the lives of all working families. She'll do an outstanding job as Secretary of Labor, and I look forward to working closely with her in the years ahead.

Mr. President, how much time do I have?

The PRESIDING OFFICER. The Senator has 7 minutes.

Mr. KENNEDY. I yield 4 minutes to the Senator from Illinois, and the remaining time to the Senator from Minnesota.

The PRESIDING OFFICER. The Chair recognizes the Senator from Illinois.

Ms. MOSELEY-BRAUN. Thank you, very much, Mr. President. I thank the Senator from Massachusetts, Senator KENNEDY, very much, and the Senator from Vermont, Senator JEFFORDS, for their efforts in bringing this nomination to the floor.

Yesterday, I came to the floor and asked that Alexis Herman be freed and that the Department of Labor be liberated so that they could get on with the business of the American people, the American working people. And that is what has happened here.

So we are rejoicing this afternoon that, indeed, this nomination has reached consensus. There has been closure and agreement by leadership and by the Members of this Senate to have a vote on Alexis Herman's confirmation.

I am so very pleased and grateful to the leadership, and, again, Senator KENNEDY and Senator JEFFORDS for making it so.

Mr. President, I strongly support the confirmation of Alexis Herman as Secretary of Labor. She has been a friend of mine and I know that she will be an outstanding Secretary of Labor. Her

commitment to improving the condition of America's working people is second to none.

Over the past 4 years, we have witnessed major improvements in our economy. Now we must continue the work to make our economy and our work force better than we have ever known. We need someone to help lead us in that direction. I cannot think of a person who is more skilled and more knowledgeable and who is better suited for that task than Alexis Herman.

Alexis Herman has long dedicated her efforts to putting all Americans to work. Early in her career, Alexis Herman implemented a program that provided targeted training to potential employees. This program helped to ensure that potential employees possessed the skills required to meet employer's needs. Through the work of Alexis Herman, companies across America had access to employees who had specialized skills, and workers had access to jobs because they were trained for jobs that actually existed.

Alexis Herman continued her efforts to expand workplace opportunities as head of the Women's Bureau of the Department of Labor under President Carter. At the Women's Bureau, she not only expanded job opportunities by training women for the work force, including training in nontraditional jobs, but also expanded job opportunities by training women to become business owners with a work force of their own.

During her tenure at the Women's Bureau Alexis Herman focused her efforts on moving women from welfare to work. Especially important and relevant in light of last year's welfare bill is Alexis Herman's experience and skills in the area of creating job training and placement opportunities for welfare recipients and low-skill workers. If we are going to put over a million people to work in the coming years, we are going to need Alexis Herman's practical experience.

Alexis Herman's commitment to diversity will make a difference in the steps our Nation takes to enhance our work force. Any time we retreat from providing equal opportunities to all of our citizens, we risk weakening our greatest asset: our workers. With her vast experience in increasing diversity in the workplace, Alexis Herman will ensure that no talent goes untapped.

Alexis Herman knows the value of diversity. As public liaison for President Clinton, Ms. Herman worked with Americans across the country—Americans with diverse backgrounds and concerns.

During Ms. Herman's testimony before the Labor Committee, she stated that she had five goals for the Labor Department in the next 4 years: lifelong learning and skills development; welfare to work; retirement security; safe and equal opportunity workplaces; and balancing work and family. These goals reflect her life's work to date. These goals also describe a course for the future that we can all support. These goals reflect America's agenda.

Training our work force for the 21st century, providing for a secure retirement for the Nation's expanding elderly population, and recognizing the importance of family for America's work force are clearly national priorities. Alexis Herman understands that to reach these goals we must work together.

One of her greatest strengths is that she has formed partnerships with both business and labor in her many years working on employment issues. She understands the kind of investment that business must make in human capital in order to improve productivity, increase profits, and to create jobs. She understands how difficult it is for small businesses to start up and how important those businesses are to our economy as a whole. She understands that people want to work but that they need the opportunity to be trained so that they can become productive members of the work force. And, finally, Alexis Herman understands that we are all in this together.

Former Secretary Reich was an advocate for working people, an asset to the business community and a tireless servant for America's families. He has my deepest thanks and my highest admiration for the work he did as Secretary of Labor. But I know that Alexis Herman is capable and up to the task in front of her, that even though she has big shoes to fill, I know she is more than capable of meeting the challenge and finishing the task. There can be no better candidate for Secretary of Labor than Alexis Herman. Her confirmation, as Senator KENNEDY pointed out, will, indeed, make history. As Secretary of Labor she will make a difference, however, in the lives of millions of Americans and workers throughout the world.

I urge my colleagues to confirm Alexis Herman as the next Secretary of Labor.

I thank the Chair and I yield the floor.

Mr. JEFFORDS. Mr. President, I yield 2 minutes to the able majority whip.

The PRESIDING OFFICER. The Chair recognizes the distinguished Senator from Oklahoma.

Mr. NICKLES. I thank the Chair. I thank my colleague from Vermont for his leadership and also for having the hearing today that discussed project labor agreements.

I told my friend from Massachusetts that I did not have a problem with Alexis Herman being Secretary of Labor as much as I had a real problem with what I perceive to be legislation by Executive order.

There was proposed to be an Executive order dealing with project labor agreements that, as it was read by me and many other people, basically would have excluded nonunion companies from bidding on over $200 million of work per year. I think that requires legislation, and if Congress wants to legislate that, certainly Congress has the right to legislate that. I told the White House my hope and desire would be that if they want to legislate, to find someone to introduce that legislation, we would take it up in the legislative process.

So I have had for the past few weeks objected to considering this nomination, trying to get the White House to back off from that order. I might inform our colleagues—somebody said, well, what caused this change of events? The White House has now agreed not to issue the Executive order, and I appreciate that. They have said that they were going to issue a memorandum from the President to the executive agencies, and that is certainly within their right. The memorandum does not have the force and effect of law.

My purpose was to make sure that the administration did not try to legislate by Executive order. We now have a letter from Erskine Bowles that I will just read.

> This is to confirm the administration's intention to issue a Presidential memorandum encouraging executive departments and agencies to consider utilizing project labor agreements in Federal Government construction projects. The President believes that such agreements are desirable in circumstances where they promote efficient and high quality contract performance and labor/management stability.

It is also our understanding, as I say, very frankly, they are not going to do it by Executive order. So that is the reason why I am withdrawing my objection and have no objection to the Senate voting on the nomination of Alexis Herman to be the next Labor Secretary.

So I appreciate the cooperation of the White House and think this is the proper way to proceed. If they wish to legislate on project labor agreements, certainly they have the right to introduce that legislation and we will consider it in due process.

Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. JEFFORDS. I inquire as to the remainder of time.

The PRESIDING OFFICER. There are 6½ minutes on the Republican side and 3½ on the Democrat side.

Mr. JEFFORDS. I yield the Senator from Pennsylvania 6 minutes.

The PRESIDING OFFICER. The Chair recognizes the distinguished Senator from Pennsylvania.

Mr. SPECTER. I thank my distinguished colleague from Vermont for yielding me time. I have sought recognition to support the nomination of Ms. Alexis M. Herman for Secretary of Labor, and I am glad to see we are finally moving to the confirmation process here because we need a Secretary of Labor in place to move ahead on the budget process and the appropriations process.

I serve as chairman of the appropriations subcommittee which has jurisdiction over the Department of Labor. It has an $11 billion budget, and obviously

we have not been able to hear from the Secretary of Labor so far because we have not had a Secretary of Labor.

When Ms. Herman's status was held up early on, I met with her and had a long talk with her back in early February. I found that she had a good academic background and had a good work record. Some questions had been raised on a number of items, but it was my sense at that time that she was entitled to a hearing by the Labor Committee.

I am delighted that Senator JEFFORDS and the committee have held that hearing and have reported her nomination out favorably so that we are now in a position to move ahead and to confirm her today. It is my sense that she will receive an overwhelming vote of support, perhaps even a unanimous vote. That remains to be seen.

Apparently she will not receive a unanimous vote, from a signal from the Presiding Officer, and that is within the discretion of every Senator, to vote as he or she sees fit. I do express a concern about the nexus or the linkage of Ms. Herman to the Executive order and to other collateral matters. I have been around here long enough to understand that that is not an unusual proceeding, but it is my hope that we can decide these matters on the merits one by one. But whatever one's position might be in that connection, we at least are reaching the point where we will have a vote at 5 o'clock today on Alexis Herman to see whether or not, up or down, she is qualified, in the view of the Senate, to be the next Secretary of Labor.

I might say that there is considerable concern about the treatment of Ms. Herman in my home State of Pennsylvania. We had a remarkable event over last Sunday, Monday, and Tuesday, April 27, 28, and 29, in Philadelphia on the volunteer summit. We had four Presidents—quite an impressive showing. Somebody in the holding room said, ''Mr. President'' and everyone turned his head. Some who were not present turned their head, including Vice President GORE and maybe some others.

But there was another summit, a citizen summit some blocks away in a square in Philadelphia—Philadelphia is famous for its squares—and a number of people who appeared at the Presidents' volunteer summit also appeared at the citizen summit. Mayor Rendell, who presided over the summit for Philadelphia and did an excellent job, appeared in both places as did Rev. Jesse Jackson, Congressman FATTAH, and I as well. When I was at the citizen summit there was a lot of concern as to what was going to happen to Ms. Alexis Herman in the line of fair play, whether she was going to be treated fairly and appropriately.

So I am glad to see our process has worked. I think Ms. Herman is qualified to be Secretary of Labor based on her academic record, her work experience, her general demeanor and general qualifications, and the appropriate committee has taken up the issues which were raised as question marks and has answered them to the satisfaction of the committee. I look forward to voting for her and look forward to her confirmation, even if it is not unanimous, but I make this prediction, that it will probably be in the 90's.

I thank the Chair and yield the floor.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. I thank the Chair.

Mr. President, whatever interpretation Senators want to make about project labor agreements—I am not here to debate that now—I think that really what we ought to focus on is the vote we are about to take. And whatever interpretation Senators want to make about how we reached agreement, I am not here to debate that.

I thank Senator JEFFORDS and Senator KENNEDY for their fine leadership. I do know this. Senator SPECTER I think was quite correct in his remarks. I think there has been concern around the country about the treatment of Alexis Herman, making sure there was fair treatment. Clearly we are going to have a vote, and I think it is going to be an overwhelmingly positive vote. Above and beyond Ms. Herman, I think the issue is this position. It has been 6 long months. The Secretary of Labor position is so important to the lives of so many families all across the Nation—Minnesota, North Carolina, Massachusetts, Vermont, and beyond. Bob Reich was a great Secretary of Labor—a great Secretary of Labor—and I think the reason he became beloved to so many people in the country was that he was such a forceable and outspoken advocate and he was talking about living standards for people, about educational opportunities, about job training, about jobs at decent wages, and about parents being able to support their children. The Secretary of Labor is the most important position we have in the Cabinet when it comes to these critical issues, these bread and butter economic issues, whether or not we fulfill our national vow of equality of opportunity, which is all about decent jobs and decent educational opportunities.

I hope that there will be an overwhelming—and I think there will be—vote in support of Alexis Herman. I think, as Senator KENNEDY said, her own journey is inspiring. I think in many ways for an eloquent African-American woman to be Secretary of Labor, with all of the skill she brings to this position and with all the leadership that she can provide on behalf of working families, it is an inspiring story. I think this is an enormous victory not just for one person and not just for people in the African-American community, but really for the country. So I hope we will have a very strong vote for her.

I thank the chair of our committee, Senator JEFFORDS, and I thank Senator KENNEDY and thank in advance all the Senators who I think will vote for her.

I thank the Chair.

Mr. DASCHLE. Mr. President, I am glad we are finally going to consider President Clinton's nominee for Secretary of Labor, Alexis Herman. She deserves a swift confirmation by the United States Senate.

Ms. Herman's contributions during her career in public service and in the private sector are truly impressive and make her uniquely qualified to serve as Secretary of Labor.

Ms. Herman's commitment to bettering the working and living conditions of her fellow Americans began early in her life, with the support and encouragement of her family. Born in segregated Mobile, Alabama, Ms. Herman grew up in a family dedicated to the struggle for civil rights. Her father, a mortician, sued the Democratic Party to make it more inclusive and became one of Alabama's first black party officials.

After graduating from Louisiana's Xavier University, Herman went back home to Mobile to help desegregate her Catholic high school. She also worked in Pascagoula, MS, the hometown of Senator LOTT, helping unskilled workers get jobs in the shipyards.

Ms. Herman came to Washington in 1977 to work in the Labor Department with Secretary Ray Marshall, where she headed the women's bureau. After working for Secretary Marshall, Ms. Herman entered the private sector, forming her own consulting firm to advise businesses on marketing and minority hiring.

In 1988, Herman joined the Rev. Jesse Jackson's second presidential campaign, where she met Ron Brown.

With Ron Brown, Ms. Herman worked on President Clinton's 1992 campaign, and was chief executive officer of the Democrats' 1992 convention in New York. After President Clinton was elected in 1992, she became head of the White House public liaison office.

Alexis Herman combines graciousness with toughness in a way that allows her to bring diverse groups together and build consensus, promote understanding, and resolve conflicts. It is no surprise that, as they have gotten to know her, more and more individuals, and more and more organizations and institutions, have come to support her nomination. She has strong support from a broad political spectrum, including the business, labor, and civil rights communities, all of whom she has served during her impressive career.

It is a testament to her success in building bridges between communities, helping working people, and remaining true to her principles that the people back home have not forgotten her. The Alabama Legislature passed a resolution urging her confirmation, and many Alabamians came to Washington for her hearing.

Alexis Herman has demonstrated her abilities to serve as Labor Secretary

over the course of her impressive career. I look forward to working with her upon her confirmation, which, I trust, will be accomplished today.

The PRESIDING OFFICER. Who yields time?

Mr. JEFFORDS. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator from Vermont has 1 minute 50 seconds.

Mr. JEFFORDS. Is there any time remaining on the minority side?

The PRESIDING OFFICER. The Senator has 52 seconds.

Mr. KENNEDY. Mr. President, I would like to use the last minute to thank a number of our staff. They have worked exceedingly hard during the course of this nomination. We are enormously grateful to them: Mark Childress, Jeff Huang, Brian Lee, Susan Green, Stephanie Williams, and Nick Littlefield. I know that Senator JEFFORDS will recognize his own staff, but we want to thank as well Mark Powden very much, and Scott Giles. They worked very closely with Todd Stern at the White House, and all of them deserve great thanks. They were of enormous help and assistance not only to Alexis Herman but to all the members of the committee, and we are grateful as always for their skill and their commitment to this institution.

The PRESIDING OFFICER. The Chair recognizes the Senator from Vermont.

Mr. JEFFORDS. Mr. President, I first of all want to thank the majority leader and majority whip for the expeditious way they have handled the resolution with respect to the Executive order. I know they dedicated the time necessary to make sure this got done as efficiently and as effectively as possible so we could move this nomination along.

I also want to thank the members of my committee, especially the Senator from Massachusetts [Mr. KENNEDY] for the way they controlled themselves and were able to, after a rather extensive amount of time required to fully review the nominee's record, bring this nomination before the body today. And of course, as Senator KENNEDY mentioned, I cannot tell anyone how hard the staff worked on this particular nomination, probably harder than any other nomination at least in my memory, especially Ted Verheggen and Scott Giles of the majority as well as the minority staff, especially Mark Childress, whom Senator KENNEDY mentioned. This took undue hours of committee staff time as well as members to review all of the material that was available.

I am pleased now that we have brought this to a conclusion. I would point out that the Labor Committee was unanimous in its vote with respect to nominee, and I urge all Members to support a woman who I know will bring real credit to the office of the Secretary of Labor.

Mr. President, I yield back the remainder of time and ask for the yeas and nays on the nomination.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of Alexis M. Herman to be Secretary of Labor. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk called the roll.

Mr. FORD. I announce that the Senator from Hawaii [Mr. INOUYE] and the Senator from New York [Mr. MOYNIHAN] are necessarily absent.

I further announce that, if present and voting, the Senator from New York [Mr. MOYNIHAN] would vote ''aye''.

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

The result was announced, yeas 85, nays 13, as follows:

[Rollcall Vote No. 54 Ex.]

YEAS—85

Abraham	Enzi	Lott
Akaka	Feingold	Mack
Ashcroft	Feinstein	McCain
Baucus	Ford	McConnell
Bennett	Frist	Mikulski
Biden	Glenn	Moseley-Braun
Bingaman	Gorton	Murkowski
Bond	Graham	Murray
Boxer	Grams	Nickles
Breaux	Grassley	Reed
Brownback	Gregg	Reid
Bryan	Harkin	Robb
Bumpers	Hatch	Rockefeller
Burns	Hollings	Roth
Byrd	Hutchinson	Santorum
Chafee	Hutchison	Sarbanes
Cleland	Jeffords	Sessions
Coats	Johnson	Shelby
Cochran	Kempthorne	Smith (OR)
Collins	Kennedy	Snowe
Conrad	Kerrey	Specter
Coverdell	Kerry	Stevens
D'Amato	Kohl	Thurmond
Daschle	Kyl	Torricelli
DeWine	Landrieu	Warner
Dodd	Lautenberg	Wellstone
Domenici	Leahy	Wyden
Dorgan	Levin	
Durbin	Lieberman	

NAYS—13

Allard	Hagel	Smith (NH)
Campbell	Helms	Thomas
Craig	Inhofe	Thompson
Faircloth	Lugar	
Gramm	Roberts	

NOT VOTING—2

Inouye	Moynihan

The nomination was confirmed.

Mr. JEFFORDS. Mr. President, I move to reconsider the vote by which the nomination was confirmed.

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

The motion to lay on the table was agreed to.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I am delighted that this unconscionable delay has ended and Alexis Herman has, at long last, been confirmed as Secretary of Labor. It was a mistake for the Republican leadership to hold her nomination hostage on a separate labor issue.

The compromise on that issue is entirely satisfactory. President Clinton gave up nothing substantial. Project labor agreements will be considered and given important new emphasis by all Federal agencies on appropriate Federal construction projects.

I look forward to working closely with Secretary Herman on the wide range of issues important to working families and communities across America.

The big winners today are these working families. Alexis Herman will do an excellent job speaking for them.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

MORNING BUSINESS

Mr. DEWINE. Mr. President, I ask unanimous consent that there now be a period for the transaction of morning business, with Senators permitted to speak for up to 5 minutes each.

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

ANOTHER AVOIDABLE TRAGEDY

Mr. DEWINE. Mr. President, last Saturday's Washington Post told the story of a devastating, but avoidable, tragedy. It is the story of a little 5-year-old boy in Montgomery County, MD, who was locked in his bedroom for 22 hours a day, tied to his bed with a cat leash. This little boy's mouth was taped shut, his hands and his feet were bound together. Little Richard Holmes suffered the kind of abuse that no child in this country, or anywhere, ought to suffer.

That there are 3 million reports of child abuse in America every year is a tragedy, but there is an even deeper tragedy in cases like that of Richard Holmes. It is the tragedy of a system that tries too hard to keep some families together when they are families in name only.

According to the story in the Washington Post, Richard's grandmother and his aunt complained to Montgomery County child protection services that Richard was being abused. They made this complaint last year, describing to county officials how Richard was returning home from visits to his father famished and with bite marks—bite marks—on his arms. Their complaints were ignored. In fact, they were accused of being troublemakers. Richard's father and his girlfriend are now

in prison on child abuse charges. This is not new territory for Richard's father, who was sentenced to 2 years probation back in 1992 after his neglect of Richard came to the court's attention the first time.

Mr. President, what on Earth was this little child, this little boy, doing back in his father's custody? It is easy to fault the child protection services to say that they should have done more, and they should have. What I would like to stress today is that those of us in the U.S. Senate should do more.

As I have discussed on this floor on numerous occasions, too often child protective services feel themselves hemmed in by a misinterpretation of a law that was passed by this Congress in 1980. Under the Federal Child Welfare Act, for a State to be eligible for Federal matching funds for foster care expenditures, the State must have a plan for the provision of child welfare services approved by the Secretary of HHS. The State plan must provide ''that in each case, reasonable efforts will be made (A) prior to the placement of a child in foster care, to prevent or eliminate the need for removal of the child from his home, and (B) to make it possible for the child to return to his home.''

In other words, no matter what the particular circumstances of a household may be, the State must make reasonable efforts to keep that family together and to put it back together after it falls apart.

There is strong evidence to suggest that in practice, throughout the 50 States, reasonable efforts have become extraordinary efforts, efforts to keep families together sometimes at all costs and sometimes to the detriment of these children.

I believe that the sad story of Richard Holmes is a very eloquent case in point. So is the story of a little Ohio girl named Jenny Lynn. She is only 3 years old, and she has already been in eight foster homes. Let me repeat that, 3 years old and this poor child has already been in eight foster homes. One set of foster parents after another have given her up because they are not likely to ever be awarded permanent custody, not likely ever to be able to adopt her. She now reacts with panic, understandably, whenever she sees trash bags. You see, every time she is moved, her clothes, her possessions are moved in trash bags. Now when she sees trash bags, she is afraid that she is being moved once again.

Why, Mr. President, is she being moved? Why is this little 3-year-old being moved time and time again? Because the county, Mr. President, is still trying to reunify her family in this case, still trying to reunify her with her parents. The problem is, nobody knows where her parents are. Meanwhile, she will continue—I guess until they are found—to be shuttled back and forth, back and forth, from foster home to foster home.

This child, this little 3-year-old, is being deprived of what all children deserve: Stability, love, loving parents, a home. She is being deprived of her childhood.

Mr. President, you do not need to be an expert on child development to know that that kind of childhood will not help Jenny Lynn grow up to be a happy adult. Frankly, the whole situation is absurd. And I believe we need to do everything we can to make this kind of nightmare occur less frequently in this country.

Today, our friends in the House of Representatives passed legislation—the Camp-Kennelly bill—that will help us avoid this kind of tragedy. Mr. President, the Senate should do likewise. I have been working on similar legislation here in the Senate, legislation sponsored by Senator CHAFEE, Senator ROCKEFELLER, and other Members of this body, legislation to make it plain that the health and safety of children is and ought to be the primary concern of child protective services.

Mr. President, we are building a bipartisan consensus in support of this idea. The case of Richard Holmes ought to remind us that there are a lot of kids out there who need our help. We should not delay any longer.

Again, Mr. President, the action of the House of Representatives today is great news. I look forward to moving our bill on the Senate floor, the Chafee-Rockefeller bill, which among other provisions contains this ''reasonable efforts'' language to clarify what we all really know and what we all believe and what I am sure Congress meant in 1980, and that is, while we should always try to reunify families, the best interests of the child, the safety of the child, the welfare of the child always—always—must be of paramount concern.

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

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

U.S. FOREIGN OIL CONSUMPTION FOR WEEK ENDING APRIL 25

Mr. HELMS. Mr. President, the American Petroleum Institute reports that for the week ending April 25, the U.S. imported 7,983,000 barrels of oil each day, 69,000 barrels less than the 8,052,000 imported during the same week a year ago.

While this is one of the few weeks that Americans imported less oil than the same week a year ago, Americans still relied on foreign oil for 55.5 percent of their needs last week, and there are no signs that the upward spiral will abate. Before the Persian Gulf war, the United States obtained approximately 45 percent of its oil supply from foreign countries. During the Arab oil embargo in the 1970's, foreign oil accounted for only 35 percent of America's oil supply.

Anybody else interested in restoring domestic production of oil—by U.S. producers using American workers? Politicians had better ponder the economic calamity sure to occur in America if and when foreign producers shut off our supply—or double the already enormous cost of imported oil flowing into the United States—now 7,983,000 barrels a day.

ERASE THE HATE DAY

Mr. BAUCUS. Mr. President, I rise today to commend the Senate for passing a piece of legislation this morning that designates today, National Erase the Hate and Eliminate Racism Day. The legislation we passed this morning also calls on President Clinton to issue a proclamation urging all Americans to use each day as an opportunity to take a stand against racism and hate.

In 1964, Mike Mansfield of Montana, then majority leader of the U.S. Senate, ushered through this body the landmark Civil Rights Act. His national foresight and courage in those years was widely praised in the press and by his peers. As one colleague said upon Senator Mansfield's retirement, ''The distinguished majority leader votes his convictions and lets the chips fall where they will.''

In the last several years, however, Montanans of a different generation have come under the microscope of less favorable scrutiny. The reputation of Montana as a State of forward-thinkers and tolerant individuals was marred by the standoff between the FBI and the so-called Freemen outside Jordan, and a series of hate crimes in some of our cities.

Make no mistake, it is important for the media and others to focus on these events, whether they occur in Montana or elsewhere. But equally, if we are to learn from them, then we also need to listen to the stories of hope, of the people who are willing to stand up to bigots and hate groups.

Because those stories are happening all the time in Montana. Whether it is a community like Billings that stands up to a group of skinheads, or a Missoula high school class that devotes an entire project to studying the Holocaust.

It was in this spirit and with the strong support of the YWCA of America, the Anti-Defamation League, and the USA Network, that I cosponsored the legislation that designated today as National Erase the Hate and Eliminate Racism Day.

There is no doubt that we have come a long way as a nation. But with 8,000 hate crimes reported to the U.S. Department of Justice each year, it is clear we still have much more work to do.

In addition to taking a day to recognize the importance of the fight, we must continue to support groups like the Northwest Coalition Against Malicious Harassment, the Montana Human

Rights Network, the Leadership Conference on Civil Rights, and the many other groups and individuals who continue this work every day.

In fact, many of those involved in this arena are now urging President Clinton to convene a White House conference on the issue. They have my strong support in their request. Surely, what we can do to encourage voluntarism, we must do to end hate.

I know a simple Senate resolution, or even a national conference, will not end the problems we still have. A piece of paper alone cannot teach a child that hate is wrong. But I do believe a piece of paper can make people think. A conference will not end intolerance. But it can make people talk about hate crimes. Designating today as a day to address these important problems is a first step and it can light a spark of hope in people's hearts and minds.

Again, perhaps our predecessor in the Senate, Mr. Mansfield, when speaking about the task in 1964, said it best when he noted,

> What we do here in the . . . Congress will not, of itself, correct these faults, but we can and must join the wisdom—the collective wisdom of this body—to the efforts of others in this Nation to face up to them for what they are—a serious erosion of the fundamental rock upon which the unity of the Nation stands.

Tolerance and respect are our nation's bedrock. Today we can join together to renew the fight for a better America. And if we continue to look at the good, courageous, decent things our neighbors are doing, the sparks of hope we light just might catch fire, in Montana and all across the country.

MESSAGES FROM THE HOUSE

At 2:49 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 363. An act to amend section 2118 of the Energy Policy Act of 1992 to extend the Electric and Magnetic Fields Research and Public Information Dissemination program.

H.R. 680. An act to amend the Federal Property and Administrative Services Act of 1949 to authorize the transfer of surplus personal property to States for donation to nonprofit providers of necessaries to impoverished families and individuals, and to authorize the transfer of surplus real property to States, political subdivisions and instrumentalities of States, and nonprofit organizations for providing housing or housing assistance for low-income individuals or families.

H.R. 1048. An act to make technical amendments relating to the Personal Responsibility and Work Opportunity Reconciliation Act of 1996.

H.R. 1271. An act to authorize the Federal Aviation Administration's research, engineering, and development programs for fiscal years 1998 through 2000, and for other purposes.

H.R. 1342. An act to provide for a one-year enrollment in the conservation reserve of land covered by expiring conservation reserve program contracts.

The message also announced that the House has passed the following bill, without amendment:

S. 305. An act to authorize the President to award a gold medal on behalf of the Congress to Francis Albert ''Frank'' Sinatra in recognition of his outstanding and enduring contributions through his entertainment career and humanitarian activities, and for other purposes.

MEASURES REFERRED

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

H.R. 363. An act to amend section 2118 of the Energy Policy Act of 1992 to extend the Electric and Magnetic Fields Research and Public Information Dissemination program; to the Committee on Energy and Natural Resources.

H.R. 680. An act to amend the Federal Property and Administrative Services Act of 1949 to authorize the transfer of surplus personal property to States for donation to nonprofit providers of necessaries to impoverished families and individuals, and to authorize the transfer of surplus real property to States, political subdivisions and instrumentalities of States, and nonprofit organizations for providing housing or housing assistance for low-income individuals or families; to the Committee on Governmental Affairs.

H.R. 1048. An act to make technical amendments relating to the Personal Responsibility and Work Opportunity Reconciliation Act of 1996; to the Committee on Finance.

H.R. 1271. An act to authorize the Federal Aviation Administration's research, engineering, and development programs for fiscal years 1998 through 2000, and for other purposes; to the Committee on Commerce, Science, and Transportation.

H.R. 1342. An act to provide for a one-year enrollment in the conservation reserve of land covered by expiring conservation reserve program contracts; to the Committee on Agriculture, Nutrition, and Forestry.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–1765. A communication from the Chairman of the U.S. Nuclear Regulatory Commission, transmitting, pursuant to law, the report on abnormal occurrences for fiscal year 1996; to the Committee on Environment and Public Works.

EC–1766. A communication from the Director of the Office of Regulatory Management and Information, U.S. Environmental Protection Agency, transmitting, pursuant to law, a rule (FRL5814–3) received on April 29, 1997; to the Committee on Environment and Public Works.

EC–1767. A communication from the Federal Co-Chairman of the Appalachian Regional Commission, transmitting, a draft of proposed legislation entitled ''The Appalachian Regional Development Act Amendments of 1997''; to the Committee on Environment and Public Works.

EC–1768. A communication from the Director of the Office of Regulatory Management and Information, U.S. Environmental Protection Agency, transmitting, pursuant to law, three rules including a rule entitled ''Approval and Promulgation of Redesignation'' (FRL5578–3, 5818–8, 5815–2) received on April 29, 1997; to the Committee on Environment and Public Works.

EC–1769. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report concerning direct spending or receipts legislation within five days of enactment; to the Committee on the Budget.

EC–1770. A communication from the Vice Chairman of the Federal Election Commission, transmitting, pursuant to law, proposed regulations governing recordkeeping and reporting by political committees; to the Committee on Rules and Administration.

EC–1771. A communication from the Vice Chairman of the Federal Election Commission, transmitting, pursuant to law, proposed regulations relative to civil monetary penalties; to the Committee on Rules and Administration.

EC–1772. A communication from the Congressional Review Coordinator of the Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, two rules including a rule entitled ''Garbage'' (RIN0579–AA73) received on April 25, 1997; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1773. A communication from the Administrator of the Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, a rule entitled ''Amendment to Cotton Board Rules'' received on April 29, 1997; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1774. A communication from the Acting Under Secretary of Agriculture for Food, Nutrition, and Consumer Services, transmitting, pursuant to law, a rule entitled ''Child Nutrition'' (RIN0584–AC07) received on April 29, 1997; to the Committee on Agriculture, Nutrition, and Forestry.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. THURMOND, from the Committee on Armed Services, without amendment:

S. 7. A bill to establish a United States policy for the deployment of a national missile defense system, and for other purposes (Rept. No. 105–15).

By Mr. STEVENS, from the Committee on Appropriations, without amendment:

S. 672. An original bill making supplemental appropriations and rescissions for the fiscal year ending September 30, 1997, and for other purposes (Rept. No. 105–16).

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. MACK (for himself, Mr. LEVIN, Mr. NICKLES, Mr. THURMOND, Mr. GRAHAM, Mr. INHOFE, Mr. COATS, Mr. KYL, Mr. MCCAIN, Mr. ABRAHAM, and Mr. DEWINE):

S. 667. A bill to empower States with authority for most taxing and spending for highway programs and mass transit programs, and for other purposes; to the Committee on Finance.

By Mr. MURKOWSKI:

S. 668. A bill to increase economic benefits to the United States from the activities of cruise ships visiting Alaska; to the Committee on Commerce, Science, and Transportation.

By Mr. COVERDELL (for himself and Mr. CLELAND):

S. 669. A bill to provide for the acquisition of the Plains Railroad Depot at the Jimmy Carter National Historic Site; to the Committee on Energy and Natural Resources.

By Mr. ABRAHAM (for himself, Mr. KENNEDY, Mr. HATCH, Mr. DEWINE, and Mr. DURBIN):

S. 670. A bill to amend the Immigration and Nationality Technical Corrections Act of 1994 to eliminate the special transition rule for issuance of a certificate of citizenship for certain children born outside the United States; to the Committee on the Judiciary.

By Mr. WELLSTONE (for himself and Mrs. MURRAY):

S. 671. A bill to clarify the family violence option under the temporary assistance to needy families program; to the Committee on Finance.

By Mr. STEVENS:

S. 672. An original bill making supplemental appropriations and rescissions for the fiscal year ending September 30, 1997, and for other purposes; from the Committee on Appropriations; placed on the calendar.

By Mr. BREAUX (for himself and Mr. HATCH):

S. 673. A bill to amend the Internal Revenue Code of 1986 and Employee Retirement Income Security Act of 1974 in order to promote and improve employee stock ownership plans; to the Committee on Finance.

By Mr. CHAFEE (for himself, Mr. ROCKEFELLER, Mr. JEFFORDS, Mr. BREAUX, Ms. COLLINS, Ms. SNOWE, Mr. BINGAMAN, Mr. HATCH, Mr. KENNEDY, Mr. KERREY, Mr. DODD, Mr. KERRY, Mr. D'AMATO, Mr. BRYAN, Mr. BAUCUS, Mr. ROBB, Mr. HUTCHINSON, Mr. INOUYE, Mr. SPECTER, Mr. DASCHLE, Ms. MOSELEY-BRAUN, and Mr. MOYNIHAN):

S. 674. A bill to amend title XIX of the Social Security Act to encourage States to expand health coverage of low income children and pregnant women and to provide funds to promote outreach efforts to enroll eligible children under health insurance programs; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. FEINGOLD (for himself and Mr. KOHL):

S. Res. 80. A resolution expressing the sense of the Senate regarding Department of Defense plans to carry out three new tactical fighter aircraft programs concurrently; to the Committee on Armed Services.

By Mr. CAMPBELL:

S. Res. 81. A resolution expressing the sense of the Senate regarding the political and economic importance of the Denver Summit of Eight and commending the State of Colorado for its outstanding efforts toward ensuring the success of this historic event; to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. MACK (for himself, Mr. LEVIN, Mr. NICKLES, Mr. THURMOND, Mr. GRAHAM, Mr. INHOFE, Mr. COATS, Mr. KYL, Mr. MCCAIN, Mr. ABRAHAM, and Mr. DEWINE):

S. 667. A bill to empower States with authority for most taxing and spending for highway programs and mass transit programs, and for other purposes; to the Committee on Finance.

THE TRANSPORTATION EMPOWERMENT ACT

● Mr. MACK. Mr. President, today I am introducing bipartisan legislation which would allow States to keep almost all of their gas tax revenues for their own transportation projects without interference from Washington.

The Transportation Empowerment Act—which being re-introduced in the House by Representative JOHN KASICH—would replace the current law governing the Federal highways program, the Intermodal Surface Transportation Efficiency Act [ISTEA].

Under ISTEA, Washington currently collects about $25 billion each year in dedicated transportation taxes, skims money off the top for demonstration projects, skims more off the top to fund its highway bureaucracy, runs the remainder through a maze of formulas, and then returns what's left to the States to fund their transportation programs.

However, this circle of waste, has shortchanged our Nation's transportation infrastructure. Today, notwithstanding the tremendous growth in spending, our Nation's transportation investment backlog is estimated to be at least $200 billion. This backlog includes the following deficiencies: 25 percent of our highways are in poor/mediocre condition; 24 to 28 percent of bridges are structurally deficient/functionally obsolete; 24 percent of rail transit facilities are in substandard/poor condition; and 20 to 24 percent of transit buses need to be replaced.

The fact is that our country is getting less from our transportation dollars. Part of the reason for this is reflected in the growth of administrative costs. These costs, as a function of Federal highway construction dollars, have risen from 7 percent in 1956 to over 21 percent today.

The history of the Federal program has shown us that the current system [ISTEA] of collecting and distributing gas tax dollars needed by States to implement their own transportation needs is too inefficient, too costly, and too bureaucratic. Washington simply can't meet the challenges facing the Nation's infrastructure.

Simply put: The era of big Government is over. And in this era, the highway system is a perfect example of a program that ought to be returned to the States. It's a simple formula for success—less Washington, more roads. In fact, transportation economists and State officials estimate that if States weren't hamstrung by Washington's arcane formulas and mandates, they could get 20 percent more highways and transit systems for every dollar collected.

I have introduced the Transportation Empowerment Act because I believe we can better serve our Nation's transportation needs primarily through State run transportation programs, without Federal micromanagement and without laundering gas tax dollars through Washington.

KEY PROVISIONS OF THE TRANSPORTATION EMPOWERMENT ACT

The legislation continues a streamlined ''core'' Federal program. This core Federal transportation program will include the maintenance of the current Interstate System, Federal lands programs—Indian reservation roads, public lands, parkways and park roads—highway safety programs and emergency disaster relief. Also included is continued general fund support for transit programs.

The bill authorizes States to establish multistate compacts for planning, financing, and establishing safety and construction standards, and encourages innovative approaches on the part of the States, such as use of infrastructure banks and privitization. The bill repeals the requirement that States repay Federal grants associated with transportation infrastructure which is slated for privatization.

The legislation provides a 4-year transition period, beginning in fiscal year 1998, during which time the existing 14 cents gas tax dedicated to transportation purposes would remain in place. After funding the new streamlined core program and paying off outstanding bills, the remainder is returned to States in a block grant.

At the end of the transition period, beginning in fiscal year 2002, the Federal gas tax would be reduced to 2 cents—that amount necessary to fund the core Federal programs.

Under the bill each State would be free to replace the Federal gas tax and to keep those dollars within the State to use as each sees fit.

The bottom line is this—for far too long Washington has had a stranglehold on States' transportation needs. It's time for Washington to let go and re-empower the States to make their own decisions.

More information about the Transportation Empowerment Act is available via the Internet at www.senate.gov/~mack/tea2.html.●

By Mr. MURKOWSKI:

S. 668. A bill to increase economic benefits to the United States from the activities of cruise ships visiting Alaska; to the Committee on Commerce, Science, and Transportation.

BENEFITS FROM CRUISE SHIPS VISITING ALASKA LEGISLATION

Mr. MURKOWSKI. Today, Mr. President, I am reintroducing a very important measure—one that will unlock and open a door that Congress has kept barred for over 100 years.

Opening that door will create a path to thousands of new jobs, to hundreds of millions of dollars in new economic activity, and to millions in new Federal, State, and local government revenues. Furthermore, Mr. President, that door can be opened with no adverse impact on any existing U.S. industry, labor interest, or on the environment, and it will cost the Government virtually nothing.

There's no magic to this; in fact, it's a very simple matter. My bill merely allows U.S. ports to compete for the growing cruise ship trade to Alaska, and encourages the development of an all-Alaska cruise business, as well.

The bill amends the Passenger Service Act to allow foreign cruise ships to operate from U.S. ports to Alaska, and between Alaska ports. However, it also very carefully protects all existing U.S. passenger vessels by using a definition of ''cruise ship'' designed to exclude any foreign-flag vessels that could conceivably compete in the same market as U.S.-flag tour boats or ferries. Finally, it provides a mechanism to guarantee that if a U.S. vessel ever enters this trade in the future, steps will be taken to ensure an ample pool of potential passengers.

Mr. President, this is a straightforward approach to a vexing problem, and it deserves the support of this body.

Let's look at the facts. U.S. ports currently are precluded from competing for the Alaska cruise ship trade by the Passenger Service Act of 1886, which bars foreign vessels from carrying passengers on one-way voyages between U.S. ports. However, it isn't 1886 anymore. These days, no one is building any U.S. passenger ships of this type, and no one has built one in over 40 years.

Because there are no U.S. vessels in this important trade, the only real effect of the Passenger Service Act is to force all the vessels sailing to Alaska to base their operations in a foreign port instead of a U.S. city.

Mr. President, what we have here is an act of Congress prohibiting U.S. cities from competing for thousands of jobs and hundreds of millions in business dollars. That is worse than absurd—in light of our ever-popular election-year promises to help the economy, it belongs in Letterman's ''Top Ten Reasons Why Congress Doesn't Know What It's Doing.''

How, Mr. President, can anyone argue with a straight face for the continuation of a policy that fails utterly to benefit any identifiable American interest, while actively discouraging economic growth.

Mr. President, this is not the first time I have introduced this legislation. When I began, Alaska-bound cruise passengers totaled about 200,000 per year. By last year, 445,000 people—most of them American citizens—were making that voyage. This year's traffic may exceed 500,000 people. Almost all those passengers are sailing to and from Vancouver, British Columbia—not because Vancouver is necessarily a better port, but because our own foolish policy demands it.

The cash flow generated by this trade is enormous. Most passengers fly in or out of Seattle-Tacoma International Airport in Washington State, but because of the law, they spend little time there. Instead, they spend their pre- and post-sailing time in a Vancouver hotel, at Vancouver restaurants and in Vancouver gift shops. And when their vessel sails, it sails with food, fuel, general supplies, repair and maintenance needs taken care of by Vancouver vendors.

According to some estimates the city of Vancouver receives benefits of well over $200 million per year. Others provide more modest estimates, such as a comprehensive study by the International Council of Cruise Lines, which indicated that in 1992 alone, the Alaska cruise trade generated over 2,400 jobs for the city of Vancouver, plus payments to Canadian vendors and employees of over $119 million. If that business had taken place inside the United States, it would have been worth additional Federal, State and local tax revenues of approximately $60 million.

In addition to the opportunities now being shunted to Vancouver, we are also missing an opportunity to create entirely new jobs and income through the potential to develop new cruising routes between Alaska ports. The city of Ketchikan, AK, was told a few years ago that two relatively small cruise ships were very interested in establishing short cruises within southeast Alaska. I'm told such a business could have contributed $2 million or more to that small community's economy, and created dozens of new jobs. But, because of the current policy, the opportunity simply evaporated.

Why, Mr. President, do we allow this to happen? This is a market almost entirely focused on U.S. citizens going to see one of the United States most spectacular places, and yet we force them to go to another country to do it. We are throwing away both money and jobs—and getting nothing whatsoever in return.

Why is this allowed to happen? The answer is simple—but it is not rational. Although the current law is actually a job loser, there are those who argue that any change would weaken U.S. maritime interests. I submit, Mr. President, that is not the case.

For some inexplicable reason, paranoia runs deep among those who oppose this bill. They seem to feel that amending the Passenger Service Act so that it makes sense for the United States would create a threat to Jones Act vessels hauling freight between U.S. ports. Mr. President, there simply is no connection whatsoever between the two. I have repeatedly made clear that I have no intention of using this bill to create cracks in the Jones Act.

This bill would actually enhance—not impede—opportunities for U.S. workers. Both shipyard workers and longshoremen—not to mention hotel and restaurant workers and many others—would have a great deal to gain from this legislation, and the bill has been carefully written to prevent the loss of any existing jobs in other trades.

Finally, let me dispose of any suggestion that this bill might harm smaller U.S. tour or excursion boats. The industry featuring these smaller vessels is thriving, but it simply doesn't cater to the same client base as large cruise ships. For one thing, the tour boats operating in Alaska are all much smaller. The smallest foreign-flag vessel eligible under this limit is Carnival Cruise Line's *Windstar*, which is a 5,700-ton ship with overnight accomodations for 159 passengers. By contrast, although the largest U.S. vessel in the Alaska trade is rated to carry 138 passengers, she is less than 100 gross deadweight tons.

The fact of the matter is that there is no significant competition between the two types of vessel, because the passengers inclined to one are not likely to be inclined to the other. The larger vessels offer unmatched luxury and personal service, on-board shopping, entertainment, etc. The smaller vessels offer more flexible routes and the ability to get closer to many of Alaska's extraordinary natural attractions.

In the spirit of full disclosure, Mr. President, let me acknowledge that there is one operating U.S. vessel that doesn't fit the mold: the *Constitution*, an aging 30,000-ton vessel operating only in Hawaii. This is the only ocean-capable U.S. ship that might fit the definition of ''cruise vessel.'' I have searched for other U.S. vessels that meet or exceed the 5,000-ton limit in the bill, and the only ones I have found that even approach it are the *Delta Queen* and the *Mississippi Queen*, both of which are approximately 3,360 tons, and both of which are 19th century-style riverboats that are entirely unsuitable for any open-ocean itinerary such as the Alaska trade.

Mr. President, I cannot claim that this legislation would immediately lead to increased earnings for U.S. ports. I can only say that it would allow them to compete fairly, instead of being anchored by a rule that is actively harmful to U.S. interests. It is, as I said at the beginning of this statement, only a way to open the door.

We've heard a lot of talk about growing the economy and creating jobs during the last few years. But we all know, Mr. President, that such changes are easier to talk about than they are to accomplish. Well, Mr. President, here is a bill that opens the door to thousands of jobs and hundreds of millions of new dollars, and does it without one red cent of taxpayer money. It's been 110 years since the current law was enacted, and it's time for a change.

Mr. President, I ask unanimous consent that the text of my bill be printed in the RECORD.

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

S. 668

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

SECTION 1. FINDINGS.

Congress finds the following:

(1) It is in the interest of the United States—

(A) to maximize economic return from the growing trade in cruise ships sailings to and from Alaska by encouraging the use of United States labor, supplies, berthing and repair facilities, and other services, and

(B) to encourage the growth of new enterprises including the transportation of passengers on luxury cruise ships between ports in Alaska.

(2) In promoting additional economic benefits to the United States from the cruise ship industry, there is a need to ensure that existing employment and economic activity associated with the Alaska Marine Highway System, United States-flag tour boats operating from Alaskan ports, and similar United States enterprises are protected from adverse impact.

(3) Cruise ship sailings to Alaska comprise a vital and growing segment of the United States travel industry. Since 1989, the number of tourists coming to Alaska via cruise ships has increased by 86 percent. With almost 500,000 passengers per year, Alaska has become the third most popular cruise destination in the world, after the Caribbean and Europe.

(4) The cruise ship industry is expected to grow at a rate of 15 percent per year over the next several years. In 1996, 7 new cruise ships having a combined capacity to carry over 13,000 passengers entered the market.

(5) The only United States-flag ocean cruise ship in service is an aging vessel operating cruises only between the Hawaiian Islands. No United States-flag cruise ships are presently available to enter the Alaskan trade. Thus, all cruise ships carrying passengers to and from Alaskan destinations are foreign-flag vessels which are precluded, under current law, from carrying passengers between United States ports.

(6) The City of Vancouver, British Columbia receives substantial economic benefit by providing services to cruise ships in the Alaskan trade. In 1996, there were 487 Alaska-related voyages, with over 445,000 passengers, up from 389,000 in 1995. Most of the voyages stopped in Vancouver. Vancouver has benefited from the cruise ship industry through the direct and indirect employment of almost 2,500 people, and through revenues from goods and services of approximately $120,000,000 a year.

(7) The transfer of cruise ship-based economic activity from Vancouver, British Columbia to United States ports could yield additional Federal revenues of nearly $100,000,000 a year and additional State and local government revenues of approximately $30,000,000.

SEC. 2. FOREIGN-FLAG CRUISE VESSELS.

(a) DEFINITIONS.—For the purposes of this section:

(1) CRUISE VESSEL.—The term ''cruise vessel'' means a vessel of greater than 5,000 deadweight tons which provides a full range of luxury accommodations, entertainment, dining, and other services for its passengers.

(2) FOREIGN-FLAG CRUISE VESSEL.—The term ''foreign-flag cruise vessel'' does not apply to a vessel which—

(A) regularly carries for hire both passengers and vehicles or other cargo, or

(B) serves residents of their ports of call in Alaska or other ports in the United States as a common or frequently used means of transportation between United States ports.

(b) WAIVER.—Notwithstanding the provisions of section 8 of the Act of June 19, 1886 (46 U.S.C. 289) or any other provision of law, passengers may be transported in foreign-flag cruise vessels between ports in Alaska and between ports in Alaska and other ports on the west coast of the contiguous States, except as otherwise provided by this section.

(c) COASTWISE TRADE.—Upon a showing satisfactory to the Secretary of Transportation, by the owner or charterer of a United States-flag cruise vessel, that service aboard such vessel qualified to engage in the coastwise trade is being offered or advertised pursuant to a Certificate of Financial Responsibility for Indemnification of Passengers for Nonperformance of Transportation (46 App. U.S.C. 817(e)) for service in the coastwise trade between ports in Alaska or between ports in Alaska and other ports on the west coast of the contiguous States, or both, the Secretary shall notify the owner or charterer of one or more foreign-flag cruise vessels transporting passengers under authority of this section, if any, that the Secretary shall, within 1 year from the date of notification, terminate such service. Coastwise privileges granted to any owner or charterer of a foreign-flag cruise vessel under this section shall expire on the 365th day following receipt of the Secretary's notification.

(d) NOTIFICATION.—Notifications issued by the Secretary under subsection (c) shall be issued to the owners or charterers of foreign-flag cruise vessels—

(1) in the reverse order in which foreign-flag cruise vessels entered the coastwise service pursuant to this section determined by the date of each vessel's first coastwise sailing; and

(2) in the minimum number needed to ensure that the passenger-carrying capacity thereby removed from coastwise service exceeds the passenger-carrying capacity of the United States-flag cruise vessel which is entering the service.

(e) TERMINATION.—If, at the expiration of the 365-day period specified in subsection (c), the United States-flag cruise vessel that has offered or advertised service pursuant to a Certificate of Financial Responsibility for Indemnification of Passengers for Nonperformance of Transportation has not entered the coastwise passenger trade between ports in Alaska or between ports in Alaska and other ports on the west coast of the contiguous States, then the termination of service required by subsection (c) shall not take effect until 180 days following the entry into the trade by the United States-flag cruise vessel.

(f) DISCLAIMER.—Nothing in this section shall be construed as affecting or otherwise modifying the authority contained in the Act of June 30, 1961 (46 U.S.C. 289b) authorizing the transportation of passengers and merchandise in Canadian vessels between ports in Alaska and the United States.

By Mr. ABRAHAM (for himself, Mr. KENNEDY, Mr. HATCH, Mr. DEWINE, and Mr. DURBIN):

S. 670. A bill to amend the Immigration and Nationality Technical Corrections Act of 1994 to eliminate the special transition rule for issuance of a certificate of citizenship for certain children born outside the United States; to the Committee on the Judiciary.

TECHNICAL CORRECTIONS LEGISLATION CONCERNING CHILDREN BORN OVERSEAS

Mr. ABRAHAM. Mr. President, I rise to introduce on behalf of myself, Senator KENNEDY, Senator HATCH, Senator DEWINE, and Senator DURBIN, a short, technical bill to correct a drafting error in last year's immigration bill that could wrongly deny U.S. citizenship to certain children born overseas to a U.S.-citizen parent.

To explain the problem addressed by this bill, some background is in order. Prior to 1986, a minor child, born abroad to a U.S.-citizen parent, was eligible for U.S. citizenship if the child's U.S. citizen-parent had physically resided in the United States for at least 10 years prior to the child's birth. The 1986 Immigration bill shortened this residency period to 5 years for children born after its effective date, but perhaps inadvertently retained the 10-year requirement for children born before that date.

This double standard yielded anomalous results: In families where the U.S.-citizen parent had resided in the United States for more than 5 years but less than 10, a younger child—born in, say, 1987—would be eligible for U.S. citizenship, while that child's older sibling—born in, say, 1985—would not be. To eliminate this disparity, the Immigration and Nationality Technical Corrections Act of 1994 amended the relevant provision of the Immigration and Nationality Act to establish a uniform 5-year residency requirement, without regard to the date of the child's birth.

A provision in last year's immigration bill, however, effectively repealed the 1994 amendment described above, thus restoring the prior double standard. There was, of course, no policy basis for this change, and no one has claimed ownership of it. The change appears to have simply been a drafting error in a purely technical section of last year's bill.

This error needs to be corrected without delay. Once a child turns 18, he is no longer eligible to become a U.S. citizen under the Immigration and Nationality Act provision that was affected by the drafting error. Thus, children who turn 18 before this error is corrected will be permanently ineligible to become U.S. citizens under the provision at issue. The longer this error goes uncorrected, the greater the number of children who will be harmed by it.

I therefore hope this bill can be passed without delay or controversy, and I will be working with my colleagues on both sides of the aisle to that end.

By Mr. WELLSTONE (for himself and Mrs. MURRAY):

S. 671. A bill to clarify the family violence option under the temporary assistance to needy families program; to the Committee on Finance.

THE FAMILY VIOLENCE OPTION II ACT OF 1997

Mr. WELLSTONE. Mr. President, today I am pleased to be introducing the Family Violence Option II, a bill to clarify the Wellstone/Murray Family violence option Act contained in the Personal Responsibility and Work Opportunity Reconciliation Act of 1996. Last summer, Senator MURRAY and I introduced the family violence amendment to the welfare bill to give States the flexibility to identify victims and survivors of domestic abuse and, if necessary, to provide more time to remove the domestic violence barrier so that victims would be able to move into the work force. Our provision was changed to a State option, but that did not change the intent of the legislation.

States helping battered women should not be penalized for not having the requisite number of women at work in a given month if domestic violence is the reason. Most importantly, battered women should not be competing with the myriad people with disabilities that prevent them from working. Abuse victims and survivors may simply need a little more time. That is why the family violence option allows States to grant temporary waivers, not exemptions.

Many States have adopted the family violence option, others, some version of it, but most have had great difficulty figuring out what taking the option would mean. Senator MURRAY and I want to make sure States that take domestic abuse into account when setting work goals will not pay a price. Therefore, this bill makes it clear that victims of domestic abuse will not be counted in the 20 percent hardship exemption and States who grant temporary waivers of work requirements to abuse survivors will not be penalized if they fail to meet their work requirements.

Evidence continues to emerge about the high number of incidents of domestic abuse or a history of abuse among welfare recipients. Most recently, a joint study from the Taylor Institute in Chicago and the University of Michigan confirmed that large numbers of women on AFDC are survivors or current victims. Four recent studies—conducted by Passaic County, NJ, Univ. of Massachusetts, Northwestern University, and the Better Homes Fund in Worcester, MA—document that at least 14 percent—Passaic County, NJ—and as high as 32 percent—Worcester, MA—of women on AFDC were currently being abused. The numbers were more than twice those percentages for a history of abuse.

Given the extent of this problem, it is imperative that States be able to work at a more individualized pace, not a one-size-fits-all approach. I would like to share a story about a woman from Minnesota who has used the safety net of public assistance to free herself and her children from violence, obtain job skills and training, and become self-supporting.

Edith is a woman who has defied the odds. She had her first child at the age of 16. By the time she was in her early twenties, she had become an intravenous drug user, had three more children, and was in an extremely violent relationship. Edith's abuser beat her routinely and savagely, sending her to the emergency room again and again. As Edith says, ''Finally, I realized that to save my life and my mental stability, I had to get away.'' She waited until her abuser had passed out and carefully pried the car keys from his hand and fled Gary, IN, with her young sons.

Edith fled to Minnesota because she had family there. Within months her abuser found her, forcing her to flee to a battered women's shelter. Edith quickly realized that if she was ever going to be able to support her children, she would need to get the educational and job training that she desperately needed. It was at that point that Edith contacted Cornerstone's Transitional Housing Program. Cornerstone is a successful women's advocacy program in Bloomington, MN.

Edith and her children came into the program in 1992. Utilizing educational and vocational resources, Edith entered a vocational program for electricians. While in Cornerstone's Transitional Housing Program, Edith was able to address the many issues that had resulted from her battering, including parenting, bad credit, and chemical dependency, just to name a few. With support of the program staff, Edith completed the apprenticeship and graduated from the Cornerstone program.

I am proud to tell you that Edith will become a licensed electrician this summer. She has just purchased her first home and has set a new goal to become a contractor. Edith would tell you that had she not been given the time and the opportunity to participate in a transitional housing program specifically for battered women, she could not have accomplished all of her goals.

We need to insure that women like Edith have the support system in place to escape abusive situations, make the transition to work, and then stay working. When women can support themselves and their children they can stay away from abusive partners and keep themselves and their families safe. I urge my colleagues to support this important legislation.

Mr. President I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 671

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

SECTION 1. FINDINGS.

Congress finds that—

(1) the intent of Congress is amending part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.) in section 103(a) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104–193; 110 Stat. 2112) was to allow States to take into account the effects of the epidemic of domestic violence in establishing their welfare programs, by giving States the flexibility to grant individual, temporary waivers for good cause to victims of domestic violence who meet the criteria set forth in section 402(a)(7)(B) of the Social Security Act (42 U.S.C. 601(a)(7)(B));

(2) the allowance of waivers under such sections was not intended to be limited by other, separate, and independent provisions of part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.); and

(3) under section 402(a)(7)(A)(iii) of such Act (42 U.S.C. 602(a)(7)(A)(iii)), requirements under the temporary assistance for needy families program under part A of title IV of such Act may, for good cause, be waived for so long as necessary.

SEC. 2. CLARIFICATION OF WAIVER PROVISIONS RELATING TO VICTIMS OF DOMESTIC VIOLENCE.

(a) IN GENERAL.—Section 402(a)(7) of the Social Security Act (42 U.S.C. 602(a)(7)) is amended by adding at the end the following:

''(C) NO NUMERICAL LIMITS.—In implementing this paragraph, a State shall not be subject to any numerical limitation in the granting of good cause waivers under subparagraph (A)(iii).

''(D) WAIVERED INDIVIDUALS NOT INCLUDED FOR PURPOSES OF CERTAIN OTHER PROVISIONS OF THIS PART.—Any individual to whom a good cause waiver of compliance with this Act has been granted in accordance with subparagraph (A)(iii) shall not be included for purposes of determining a State's compliance with the participation rate requirements set forth in section 407, for purposes of applying the limitation described in section 408(a)(7)(C)(ii), or for purposes of determining whether to impose a penalty under paragraph (3), (5), or (9) of section 409(a).''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) takes effect as if it had been included in the enactment of section 103(a) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104–193; 110 Stat. 2112).

By Mr. BREAUX (for himself and Mr. HATCH):

S. 673. A bill to amend the Internal Revenue Code of 1986 and Employee Retirement Income Security Act of 1974 in order to promote and improve employee stock ownership plans; to the Committee on Finance.

THE ESOP PROMOTION ACT OF 1997

Mr. BREAUX. Mr. President, I rise today to introduce a measure that will enhance employee ownership in businesses across America. The ESOP Promotion Act of 1997, which I introduce today with my colleague, Senator HATCH of Utah, will facilitate employee ownership and retirement savings and enhance the opportunities for America's entrepreneurs to gain improved access to capital. This legislation would both improve and update a number of obsolete operating rules for employee stock ownership programs and would implement the full intent of Congress, which last year passed legislation designed to make ESOP's available to Subchapter S corporations.

The ESOP Promotion Act benefits the owners and workers in the 2 million S corporations which exist in every industry in every State across America. As the country's principal corporate vehicle for entrepreneurs and family business startups, S corporations have long been engines of economic growth. Unfortunately, the restrictions placed on these businesses have also resulted, more recently, in reduced capital access for S corporations. For an S corporation which had hit the limit on the number of allowable shareholders or the amount of personal debt that its owners could assume to keep the company in business, there has been a burdensome capital crunch affecting not only these companies directly, but hindering the ability of our entire national economy to realize its growth potential.

Last year, as part of the Small Business Job Protection Act of 1997, Congress enabled S corporations to have

ESOP's. I was proud to be a cosponsor of that measure, which by allowing S corporation ESOP's did two additional, critical things: it gave S corporations a new way to access funds without putting any new burdens on the Federal tax base, and it gave millions of workers a way to participate directly in the success and growth of the businesses which employed them.

But despite the success we marked in 1996, the many S corporations which now want to build ESOP's cannot. The reason: there continues to be a number of largely technical hurdles in the Tax Code that make it difficult, if not impossible, to establish and sustain these employee ownership programs.

One example of such a hurdle, is that, under current law, if an S corporation's ESOP distributes stock to its employee participants, and even one employee rolls over his stock into an entity that is not a permissible S corporation shareholder—say, an IRA account—then the company's Subchapter S election will be entirely invalidated. This, of course, is a risk that no S corporation is willing to take, and while the problem seems minor and technical on its face, no S corporation will establish an ESOP under these conditions.

Another example of a technical disincentive is that, while S corporations were established in the 1950's as pass-through companies which pay a single layer of taxes, the S corporation ESOP would have to pay two layers of tax—one when the S corporation distributes stock to the ESOP, and the other when the ESOP distributes stock or cash to its participants. The second layer of tax was certainly not envisioned by Congress when we permitted S corporations to have ESOP's last year. Unfortunately, in its current form, this technicality means that an S corporation ESOP participant would pay a nearly 70 percent greater tax on his share of income than he would if he owned the company's stock directly. As such, S corporation ESOP's are not yet viable for employees, though we certainly intended that they would be when we established them.

The legislation that we are introducing eliminates these and other technical problems by establishing parity between ESOP's sponsored by S corporations and those sponsored by C corporations; ensuring S corporation ESOP participants that they are subject to only one layer of taxation; and permitting employees to sell certain stock to an ESOP and defer tax on gain.

In addition to the important S corporation measures in the legislation, the ESOP Promotion Act would improve the retirement savings opportunities for American workers. The bill would give employees the option to direct employers to retain dividends paid on employer stock in the ESOP/401(k) plan for reinvestment in the employer stock. Employees could then defer income taxes on the dividends and allow them to grow tax-free in their ESOP/401(k) plan until retirement.

The bill would also correct an inequity to workers in the current tax law which provides an incentive for employers to pay the dividends to employees in cash, rather than to reinvest them in the ESOP/401(k) plan. Employers currently receive a tax deduction for dividends paid on stock held in the ESOP/401(k) plan only if the dividends are passed through to plan participants or are used to pay off an ESOP loan. The ESOP Promotion Act would provide employers with the tax deduction they currently receive on dividends paid on employer stock that is passed through to plan participants, if the dividends instead remain in the plan for reinvestment. This reinvestment opportunity for employees will enhance their retirement savings and facilitate employee ownership.

Congress now has a responsibility for finishing the task we began last year—one that, perhaps, many of us believed we had completed—when we agreed that S corporations should have ESOP's and enacted a law to that effect. Our bill completes the task by making ESOP's useful and desirable for the millions of workers in S corporations, while ensuring that they are suitable for the companies that wish to sponsor ESOP's. Clearly when Congress enacted the S corporation ESOP provision, we expected that it would be functional by its effective date, which is January 1, 1998. I hope that my colleagues will support our legislation, and ensure that our intent is fully implemented by the end of this year.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 673

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 ''ESOP Promotion Act of 1997''.

SEC. 2. PROVISIONS RELATING TO S CORPORATIONS ESTABLISHING EMPLOYEE STOCK OWNERSHIP PLANS.

(a) REPEAL OF PROVISION MAKING CERTAIN ESOP BENEFITS INAPPLICABLE TO S CORPORATIONS.—Section 1316(d) of the Small Business Job Protection Act of 1996 is repealed, and the Internal Revenue Code of 1986 shall be applied and administered as if the amendments made by such section had not been enacted.

(b) REPEAL OF APPLICATION OF UNRELATED BUSINESS INCOME TAX.—Section 512(e) of the Internal Revenue Code of 1986 is amended—

(1) by striking ''described in section 1361(c)(7)'' in paragraph (1) and inserting ''described in section 501(c)(3) and exempt from taxation under section 501(a)'', and

(2) by inserting ''CHARITABLE ORGANIZATIONS HOLDING STOCK IN'' after ''APPLICABLE TO'' in the heading.

(c) ESOPS ALLOWED TO DISTRIBUTE CASH RATHER THAN STOCK.—

(1) IN GENERAL.—Section 409(h)(2) of the Internal Revenue Code of 1986 is amended by adding at the end the following new subparagraph:

''(8) PLAN MAINTAINED BY S CORPORATION.—In the case of a plan established and maintained by an S corporation which otherwise meets the requirements of this subsection or section 4975(e)(7), such plan shall not be treated as failing to meet the requirements of this subsection or section 401(a) merely because it does not permit a participant to exercise the right described in paragraph (1)(A) if such plan provides that the participant entitled to a distribution from the plan shall have a right to receive the distribution in cash.''

(2) CONFORMING AMENDMENTS.—Section 409(h)(2) of such Code is amended—

(A) by striking ''A plan'' and inserting:

''(A) IN GENERAL.—A plan'', and

(B) by striking ''In the case of an employer'' and inserting:

''(B) PLANS RESTRICTED BY CHARTER OR BYLAWS.—In the case of an employer''.

(d) EXEMPTIONS FROM PROHIBITED TRANSACTION RULES AVAILABLE TO ESOPS AND SHAREHOLDER EMPLOYEES.—The last sentence of section 408(d) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1108(d)) is amended by striking all that precedes ''a participant or beneficiary'' and inserting ''For purposes of this subsection,''.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1997.

SEC. 3. AMENDMENTS RELATED TO SECTION 1042.

(a) EXTENSION OF SECTION 1042 PRINCIPLES TO STOCK RECEIVED AS COMPENSATION FOR SERVICES.—

(1) IN GENERAL.—Section 83 of the Internal Revenue Code of 1986 (relating to property transferred in connection with performance of services) is amended by adding at the end the following new subsection:

''(i) EXCEPTION FOR TRANSFERS OF QUALIFIED SECURITIES SOLD TO EMPLOYEE STOCK OWNERSHIP PLANS.—

''(1) EXCLUSION FROM INCOME.—Subsections (a) and (b) shall not apply to, and no amount shall be includible in gross income with respect to, the transfer of any qualified security (as defined in section 1042(c)(1)) in connection with the performance of services if, and to the extent that, within 60 days after the event which would cause the recognition of income pursuant to subsection (a) or (b) but for this subsection, the transferee sells such qualified security to an employee stock ownership plan (as defined in section 4975(e)(7)) and the requirements of section 1042(a) are met with respect to such sale.

''(2) NO DEDUCTION BY EMPLOYER.—Notwithstanding the provisions of subsection (h), the person for whom the services were performed in connection with which any qualified security is transferred shall not be entitled to a deduction with respect to such transfer if, and to the extent that, paragraph (1) applies to such transfer.''

(2) CONFORMING AMENDMENTS.—

(A) Section 424(c)(1) of such Code is amended by striking ''or'' at the end of subparagraph (B), by striking the period at the end of subparagraph (C) and inserting '', or'', and by adding at the end the following new subparagraph:

''(D) a sale to which section 1042 applies.''

(B) Section 1042(a) of such Code is amended—

(i) by striking ''which would be recognized as long-term capital gain'' from the first sentence thereof, and

(ii) by adding at the end the following new sentence: ''Any gain which is recognized after the application of the preceding sentence shall be treated as ordinary income to the extent of the lesser of the amount of such gain or the amount which would have been treated as ordinary income but for this section.''

(C) Section 1042(b)(4) of such Code is amended by adding at the end the following

new sentence: ''The requirements of the preceding sentence shall not apply to qualified securities received by the taxpayer in a transfer to which section 83 or 422 applied (or to which section 422 or 424 (as in effect on the day before the date of enactment of the Revenue Reconciliation Act of 1990) applied).''

(D) Section 1042(c)(1)(B) of such Code is amended to read as follows:

''(B) were not received by the taxpayer in—

''(i) a distribution from a plan described in section 401(a), or

''(ii) a transfer pursuant to a right to acquire stock to which section 423 applied.''

(E) The first sentence of section 1042(d) of such Code is amended to read as follows: ''The basis of the taxpayer in qualified replacement property purchased by the taxpayer during the replacement period shall be reduced by the amount of gain not recognized by virtue of such purchase, taking into account the application of subsection (a) and, if applicable, the application of section 83(i) or section 424(c)(1)(D).''

(F) Section 1042(e)(1) of such Code is amended to read as follows:

''(1) IN GENERAL.—If a taxpayer disposes of any qualified replacement property, then, notwithstanding any other provision of this title, gain (if any) shall be recognized to the extent of the gain which was not recognized by reason of the acquisition by such taxpayer of such qualified replacement property, taking into account the application of subsection (a) and, if applicable, the application of section 83(i) or 424(c)(1)(D). Such gain shall be treated as ordinary income to the extent of the excess (if any) of the amount which would have been treated as ordinary income but for the application of such sections over the amount treated as ordinary income under the last sentence of subsection (a).''

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to sales of qualified securities on or after the date of the enactment of this Act.

(b) MODIFICATION TO 25-PERCENT SHAREHOLDER RULE.—

(1) IN GENERAL.—Section 409(n)(1)(B) of such Code is amended to read as follows:

''(B) for the benefit of any other person who owns (after the application of section 318(a)) more than 25 percent of—

''(i) the total combined voting power of all classes of stock of the corporation which issued such employer securities or of any corporation which is a member of the same controlled group of corporations (within the meaning of subsection (l)(4)) as such corporation, or

''(ii) the total value of all classes of stock of any such corporation.''

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect on the date of the enactment of this Act.

SEC. 4. ESOP DIVIDENDS MAY BE REINVESTED WITHOUT LOSS OF DIVIDEND DEDUCTION.

(a) IN GENERAL.—Section 404(k)(2)(A) of the Internal Revenue Code of 1986 (defining applicable dividends) is amended by striking ''or'' at the end of clause (ii), by redesignating clause (iii) as clause (iv), and by inserting after clause (ii) the following new clause:

''(iii) is, at the election of such participants or their beneficiaries—

''(I) payable as provided in clause (i) or (ii), or

''(II) paid to the plan and reinvested in employer securities, or''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1997.

By Mr. CHAFEE (for himself, Mr. ROCKEFELLER, Mr. JEFFORDS, Mr. BREAUX, Ms. COLLINS, Ms. SNOWE, Mr. BINGAMAN, Mr. HATCH, Mr. KENNEDY, Mr. KERREY, Mr. DODD, Mr. KERRY, Mr. D'AMATO, Mr. BRYAN, Mr. BAUCUS, Mr. ROBB, Mr. HUTCHINSON, Mr. INOUYE, Mr. SPECTER, Mr. DASCHLE, Ms. MOSELEY-BRAUN, and Mr. MOYNIHAN):

S. 674. A bill to amend title XIX of the Social Security Act to encourage States to expand health coverage of low income children and pregnant women and to provide funds to promote outreach efforts to enroll eligible children under health insurance programs; to the Committee on Finance.

CHILDREN'S HEALTH INSURANCE PROVIDES SECURITY (CHIPS) ACT

Mr. CHAFEE. Mr. President, I am very pleased today to introduce legislation to provide health insurance for millions of children who are not currently covered. Before I talk about the bill, let me take a moment to thank all of the members of the bipartisan coalition who have worked so hard to put this legislation together. Senator ROCKEFELLER, the lead Democratic cosponsor and my colleague on the Finance Committee, deserves very special mention in this regard. Senator ROCKEFELLER has worked for many, many years on these issues and I am personally grateful for all his leadership and hard work in this endeavor. He is a true hero when it comes to America's children.

There are currently 10 million children in this country who do not have health insurance. Many of these children live in families where one or both parents are working but do not have employee coverage and earn too much to qualify for Medicaid. Others, though eligible, simply fall through the cracks, while still others lose eligibility because of age-based restrictions. This is a tragic problem and our proposal tries to provide real solutions.

The Chafee-Rockefeller proposal offers the States additional Federal matching funds if they choose to provide Medicaid coverage to all children up to 150 percent of the Federal poverty level. It is a completely voluntary program—we hope that all States will participate, but we leave that decision to the Governors. States, like Rhode Island, that are already providing coverage at these levels will immediately begin to get additional Federal matching funds once they have provided the 1-year continuous coverage. Our bill also provides grant funds for States to use for outreach to the 3 million children who are eligible for Medicaid but not enrolled.

I believe that the Medicaid Program is the best avenue to reach these uninsured children. Expansions in the Medicaid Program over the years have done wonders in increasing coverage for children and pregnant women. We also have to keep an eye on cost, and Medicaid is an inexpensive way to cover children—while half of Medicaid beneficiaries are children, children only account for 15 percent of overall Medicaid spending. And Medicaid is a program that already exists, so we don't have to create a new program or a new bureaucracy. In short, Medicaid works and works well.

By encouraging States to provide Medicaid coverage to all children under 18 up to 150 percent of poverty, our proposal also tries to fix one of the program's problems: under the current Medicaid program a child's eligibility depends not only on family income, but also on age.

Let me illustrate this for you: a 6-year-old girl lives in a family of four whose annual income is $21,000. That little girl gets Medicaid because Federal law requires that all children 6 and under be covered up to 133 percent of the Federal poverty level. On her seventh birthday, that little girl doesn't get much of a birthday present—she loses her Medicaid coverage because Federal law only requires that children between the ages of 7 and 13 be covered up to 100 percent of poverty, and her family's income level is slightly above that level. Her 4-year-old brother, however, keeps his Medicaid coverage, at least for the next 2 years. How bizarre that there are two children in the same family and one gets coverage because he's under 6 and the other doesn't because she's older than 6. Our proposal would give States the option to continue Medicaid coverage for both children until they are 18.

So, I am very pleased to introduce this legislation today along with this distinguished bipartisan group of Senators. I look forward to working together toward the goal of getting critical health care coverage to these children.

Mr. ROCKEFELLER. Mr. President, I am extremely pleased and proud to be introducing legislation today with my colleague from Rhode Island, Senator CHAFEE. As my colleagues in the Senate already know, Senator CHAFEE has long been a leader in the area of health care, especially when it comes to the health care of children. I am also extremely pleased to be introducing this bill with the help of Senator BREAUX and the newest member of the Finance Committee, Senator JEFFORDS. We are excited to be joined by so many of our colleagues on the Finance Committee, Senators MOYNIHAN, D'AMATO, BAUCUS, HATCH, BRYAN, KERREY, and MOSELEY-BRAUN, and with so many of our other colleagues who have joined us as original cosponsors, including Senators COLLINS, BINGAMAN, SNOWE, KENNEDY, KERRY, DODD, ROBB, HUTCHINSON, INOUYE, DASCHLE, and SPECTER.

Mr. President, our legislation already enjoys broad bipartisan support because it meets a serious need and it meets that need in a very cost-effective manner. Our legislation builds on an existing program and employs an approach that the Finance Committee

has used repeatedly over the past decade to expand health coverage to children and pregnant women. Our legislation is, therefore, not new, original, or terribly innovative. But, we know it works.

For me personally, this legislation fulfills another part of my promise to work tirelessly to turn the recommendations of the National Commission on Children, which I was honored to chair, into reality. That blue ribbon panel of children's leaders from many fields, representing a wide spectrum of views, successfully developed a unanimous report to recommend an action plan to give America's children a real shot at becoming productive, healthy citizens. During our deliberations, we recognized that ensuring basic health care for children should be one of the country's highest priorities. The bill we are introducing today challenges Congress to make the commitment to this basic objective that is so vital for the entire country's future.

Our legislation is complementary to many of the other children health bills that have been already proposed this year. That is one reason why I am also a cosponsor of other health bills that have been introduced by Senators HATCH and KENNEDY and Senator DASCHLE. These bills are not competing bills. They all seek to expand the number of children with health insurance and they could all easily fit together to meet a large, and I am sad to report, a growing need in this country.

A total of 10 million children in the United States do not have health insurance and as a result, the vast majority of them do not get necessary health care. Numerous studies have shown that uninsured children do not receive basic preventive care and immunizations. They are less likely to see a doctor for both acute and chronic illnesses and are more likely to delay seeking necessary care. Uninsured sick newborns receive fewer services in the hospital than those with health coverage. Children without insurance are less likely to have a regular source of medical care. This means that these children miss out on getting properly screened for problems that could be easily treated early or that need to be monitored on a routine basis. According to the American Academy of Pediatrics, having a regular source of medical care could reduce per-child health care costs by 22 percent.

Those are the facts. But let us not forget the emotional turmoil a parent goes through trying to figure out when, or if, to get an earache treated or a rash checked out. Imagine how hard it must be for a mother and father to decide to wait just one more day in hopes that a troubling symptom will disappear only to have those symptoms worsen in the middle of the night. Some families don't even allow their children to play sports for fear of an injury. Having millions of families and children in these types of situations is just plain wrong, and we must try to help.

Mr. President, the vast majority of uninsured children live in families where a parent works. Unfortunately, many of these families are unable to afford coverage offered by their employer when it is offered. In too many instances working parents don't even have that option. The trends for job-based insurance are very disturbing. Between 1987 and 1995 the percentage of children with job-based insurance declined from 67 to 59 percent. But this downward trend is not new. Between 1977 and 1987 job-based insurance declined by 5 percent. Every minute that goes by another child loses his or her private health insurance.

Mr. President, our bill is very simple. We encourage States to expand coverage for children by offering them an enhanced Federal match. Under our bill, the States would be eligible to receive a 30-percent increase in their current Federal matching rate if they choose to expand coverage for pregnant women, infants, and children up to 150 percent of poverty. We cap the Federal match at 90 percent so that all States would be required to contribute some additional funding. Under our bill, Rhode Island would be eligible to receive an enhanced Federal match rate of 70 percent up from 54 percent. West Virginia would be eligible to receive a 90 percent Federal match, up from 72 percent.

Our legislation targets those families earning less than one-and-one-half times the poverty level or about $24,000 a year for a family of four. Only a quarter of families at or below this income level have job-based insurance. By comparison, 81 percent of families earning wages above 150 percent of poverty have job-based insurance. The concern of replacing private insurance with public coverage—the so called crowding out effect—is minimized when so little job-based coverage even exists for families at these income levels.

Under current law, Medicaid eligibility varies based on a child's age and a family's income level. Our legislation aims to establish uniform level of eligibility. I recently heard from a West Virginia mother desperate for health insurance for her 1-year-old. She and her husband work and earn about $22,000 a year. When their daughter turned 1, she lost her Medicaid coverage. She qualified for Medicaid when she was an infant but because Medicaid's income standard for eligibility is different for a 1-year-old she no longer qualified after her first birthday. The mother's employer offered health insurance, but at a cost of $289 a month or $3,500 a year. They could not afford to buy it. This mother was absolutely desperate for assistance because she knew her daughter needed immunizations and other well child care services.

Mr. President, our legislation seeks to end instances of children losing their Medicaid coverage just because they have a birthday. Our legislation seeks to end instances of children in the same family having to meet different income standards.

We do this not by mandating States to expand their Medicaid Program. We believe that by providing additional Federal money States will be able to move beyond their current eligibility levels. Our legislation would also allow those States that have already exceeded 150 percent of poverty to receive an enhanced Federal match. This match would be for those children they are already covering between 100 percent and 150 percent of poverty. We did not think it was fair to penalize those States who have already tried to improve coverage for children.

A key way to expand the number of children enrolled in Medicaid is to guarantee eligibility for 12 months. Some 3 million children are currently eligible but not enrolled in the Medicaid Program. Some of these children qualify for a few months of Medicaid coverage. But because of slight changes in their parents' income, they lose coverage over the course of the year. Our bill would require States to guarantee 12 months of eligibility for all children on Medicaid as a condition of receiving an enhanced Federal match.

Expansions of Medicaid in the late 1980's resulted in a decreased number of low birthweight babies, improved access to health care, a decline in infant mortality rates, and millions more children in working families with health insurance. We can build on these successes with this legislation. I look forward to working with my colleagues in the Senate and in the House in advancing this bill. I am excited at our opportunity to meet a very real and vital need of millions of America's children.

Mr. JEFFORDS. Mr. President, the children of America need our help. Nearly 10 million children have no health insurance. Many of these children live in families with working parents who simply do not make enough money to afford health insurance.

In order to help address this national problem, I am pleased to cosponsor, with many of my good friends and colleagues, the Children's Health Insurance Provides Security [CHIPS] Act. The CHIPS Act will provide Federal financial incentives to encourage States to provide uniform Medicaid coverage up to 150 percent of poverty for children of all ages.

The Medicaid Program provides health care for poor children and pregnant women. My home State of Vermont, through its Dr. Dynasaur program, uses Medicaid and is now ranked second best in the Nation in providing health insurance coverage for children under 18 years of age.

We felt it was important to improve our existing Medicaid system, a system which is already in place and currently provides health coverage to 16 million low-income children. Three million additional children are eligible to receive Medicaid benefits, but they are just not enrolled. We should fix that problem.

We also feel that it is important to provide incentives to expand Medicaid coverage nationally to the children of families who are at 150 percent of the Federal poverty level—the working poor. This legislation builds upon the good work done in Vermont, and many other States, in ensuring that our children have access to health care.

Our bill encourages States to expand current Medicaid eligibility for children and pregnant women to 150 percent of the Federal poverty level by increasing the amount of money that the Federal Government contributes to the Medicaid Program. States that elect to participate in the program will need to guarantee that all children are covered to at least 100 percent of the Federal poverty level and that all children are provided with 12 months of continuous medical coverage.

The bill also provides grant money for outreach programs. States may design their own outreach programs based on their special needs and specific populations. We will help by simplifying the application process for Medicaid and other Federal programs for which these children qualify. One third of all uninsured children are eligible but not enrolled in Medicaid. Our bill, by emphasizing outreach and administrative simplification, will help get many of these children enrolled in the Medicaid Program.

We must commit our efforts to giving children the best possible start in life. As a recent report entitled ''the Social Well-Being of Vermonters'' indicates, the foundations we lay for our young children will affect their later success in all areas of life. A healthy start begins with a healthy pregnancy and early, comprehensive prenatal care. Our legislation will give many children the health insurance coverage they need and, by doing so, help ensure a solid foundation for our country's future.

ADDITIONAL COSPONSORS

S. 71

At the request of Mr. DASCHLE, the name of the Senator from Virginia [Mr. ROBB] was added as a cosponsor of S. 71, a bill to amend the Fair Labor Standards Act of 1938 and the Civil Rights Act of 1964 to provide more effective remedies to victims of discrimination in the payment of wages on the basis of sex, and for other purposes.

S. 82

At the request of Mr. KOHL, the names of the Senator from Utah [Mr. HATCH], and the Senator from Illinois [Ms. MOSELEY-BRAUN] were added as cosponsors of S. 82, a bill to amend the Internal Revenue Code of 1986 to provide a credit against tax for employers who provide child care assistance for dependents of their employees, and for other purposes.

S. 181

At the request of Mr. GRASSLEY, the name of the Senator from Florida [Mr. MACK] was added as a cosponsor of S. 181, a bill to amend the Internal Revenue Code of 1986 to provide that installment sales of certain farmers not be treated as a preference item for purposes of the alternative minimum tax.

S. 191

At the request of Mr. HELMS, the name of the Senator from Arizona [Mr. KYL] was added as a cosponsor of S. 191, a bill to throttle criminal use of guns.

S. 328

At the request of Mr. HUTCHINSON, the name of the Senator from North Carolina [Mr. HELMS] was added as a cosponsor of S. 328, a bill to amend the National Labor Relations Act to protect employer rights, and for other purposes.

S. 351

At the request of Mrs. MURRAY, the name of the Senator from Maryland [Ms. MIKULSKI] was added as a cosponsor of S. 351, a bill to provide for teacher technology training.

S. 358

At the request of Mr. DEWINE, the names of the Senator from Illinois [Ms. MOSELEY-BRAUN], the Senator from Maine [Ms. SNOWE], the Senator from California [Mrs. BOXER], the Senator from Maine [Ms. COLLINS], the Senator from South Dakota [Mr. JOHNSON], and the Senator from Illinois [Mr. DURBIN] were added as cosponsors of S. 358, a bill to provide for compassionate payments with regard to individuals with blood-clotting disorders, such as hemophilia, who contracted human immunodeficiency virus due to contaminated blood products, and for other purposes.

S. 432

At the request of Mr. ABRAHAM, the name of the Senator from Florida [Mr. MACK] was added as a cosponsor of S. 432, a bill to amend the Internal Revenue Code of 1986 to allow the designation of renewal communities, and for other purposes.

S. 484

At the request of Mr. DEWINE, the name of the Senator from Hawaii [Mr. INOUYE] was added as a cosponsor of S. 484, a bill to amend the Public Health Service Act to provide for the establishment of a pediatric research initiative.

S. 525

At the request of Mr. KENNEDY, the name of the Senator from Illinois [Ms. MOSELEY-BRAUN] was added as a cosponsor of S. 525, a bill to amend the Public Health Service Act to provide access to health care insurance coverage for children.

S. 526

At the request of Mr. KENNEDY, the name of the Senator from Illinois [Ms. MOSELEY-BRAUN] was added as a cosponsor of S. 526, a bill to amend the Internal Revenue Code of 1986 to increase the excise taxes on tobacco products for the purpose of offsetting the Federal budgetary costs associated with the Child Health Insurance and Lower Deficit Act.

At the request of Mr. HATCH, the name of the Senator from Maryland [Ms. MIKULSKI] was added as a cosponsor of S. 526, supra.

S. 606

At the request of Mr. HUTCHINSON, the names of the Senator from Texas [Mrs. HUTCHISON], the Senator from Wyoming [Mr. THOMAS], and the Senator from Mississippi [Mr. COCHRAN] were added as cosponsors of S. 606, a bill to prohibit discrimination in contracting on federally funded projects on the basis of certain labor policies of potential contractors.

S. 625

At the request of Mr. MCCONNELL, the name of the Senator from Colorado [Mr. ALLARD] was added as a cosponsor of S. 625, a bill to provide for competition between forms of motor vehicle insurance, to permit an owner of a motor vehicle to choose the most appropriate form of insurance for that person, to guarantee affordable premiums, to provide for more adequate and timely compensation for accident victims, and for other purposes.

SENATE JOINT RESOLUTION 26

At the request of Mr. SMITH, the name of the Senator from North Carolina [Mr. HELMS] was added as a cosponsor of Senate Joint Resolution 26, a joint resolution proposing a constitutional amendment to establish limited judicial terms of office.

SENATE RESOLUTION 15

At the request of Mr. MACK, the name of the Senator from Nevada [Mr. REID] was added as a cosponsor of Senate Resolution 15, a resolution expressing the sense of the Senate that the Federal commitment to biomedical research should be increased substantially over the next 5 years.

SENATE RESOLUTION 63

At the request of Mr. DOMENICI, the names of the Senator from Oklahoma [Mr. NICKLES], and the Senator from Montana [Mr. BURNS] were added as cosponsors of Senate Resolution 63, a resolution proclaiming the week of October 19 through October 25, 1997, as ''National Character Counts Week.''

SENATE RESOLUTION 78

At the request of Mr. BURNS, the names of the Senator from Colorado [Mr. CAMPBELL], the Senator from Oregon [Mr. WYDEN], the Senator from California [Mrs. FEINSTEIN], the Senator from Hawaii [Mr. AKAKA], the Senator from Virginia [Mr. ROBB], the Senator from Washington [Mrs. MURRAY], the Senator from Maine [Ms. SNOWE], and the Senator from California [Mrs. BOXER] were added as cosponsors of Senate Resolution 78, a resolution to designate April 30, 1997, as ''National Erase the Hate and Eliminate Racism Day.''

SENATE RESOLUTION 80—REGARDING TACTICAL FIGHTER AIRCRAFT PROGRAMS

Mr. FEINGOLD (for himself and Mr. KOHL) submitted the following resolution; which was referred to the Committee on Armed Services:

S. RES. 80

Whereas the Department of Defense has proposed to modernize the United States tactical fighter aircraft force through three tactical fighter procurement programs, including the F/A–18 E/F aircraft program of the Navy, the F–22 aircraft program of the Air Force, and the Joint Strike Fighter aircraft program for the Navy, Air Force, and Marine Corps;

Whereas the General Accounting Office, the Congressional Budget Office, the Chairman of the Joint Chiefs of Staff, the Under Secretary of Defense for Acquisition and Technology, and several Members of Congress have publicly stated that, given the current Department of Defense budget for procurement, the Department of Defense's plan to buy over 4,400 F/A–18 E/F aircraft, F–22 aircraft, and Joint Strike Fighter aircraft at a total program cost in excess of $350,000,000,000 is not affordable;

Whereas the Congressional Budget Office estimates that current tactical aircraft plan of the Department of Defense could cost as much as $14,000,000,000 to $18,000,000,000 per fiscal year over the period of fiscal years 2002 through 2020, not considering inflation, compared to current tactical aircraft funding of about $2,800,000,000 per fiscal year;

Whereas the Pentagon's current acquisition strategy would require at least a 54.9 percent increase in annual procurement spending over the next five years, rising from $44,100,000,000 in fiscal year 1997 to $68,300,000,000 in fiscal year 2002;

Whereas the F/A–18 E/F, F–22, and the Joint Strike Fighter tactical fighter programs will be competing for a limited amount of procurement funding with numerous other aircraft acquisition programs, including the Comanche helicopter program, the V–22 Osprey aircraft program, and the C–17 aircraft program, as well as for the necessary replacement of other aging aircraft such as the KC–135, the C–5A, the F–117, and the EA–6B aircraft; and

Whereas history shows that projection of the Department of Defense regarding the number of aircraft that it will procure, the rates at which those aircraft will be produced, and the cost of those aircraft are rarely achieved, and in fact frequently experience significant cost growth on the order of 20 to 40 percent: Now, therefore, be it

Resolved, That—

(1) it is the sense of the Senate that the United States cannot afford to carry out all three of the F/A–18 E/F aircraft program, the F–22 aircraft program, and the Joint Strike Fighter aircraft program at the proposed acquisition levels;

(2) the Department of Defense should reexamine its spending priorities using more realistic assumptions of future spending levels; and

(3) the Department of Defense should develop an alternative acquisition strategy that would provide the United States with an effective, affordable tactical fighter force structure.

Mr. FEINGOLD. Mr. President, on behalf of myself and my senior colleague, Senator KOHL of Wisconsin, I rise today to submit a resolution calling for the restoration of fiscal responsibility to the Department of Defense's plan to modernize and upgrade our tactical fighter force.

The resolution I am submitting today, focuses on the Pentagon's current acquisition strategy for three new tactical fighter programs; the Air Force's F–22 Raptor, the Navy's F/A–18 E/F SuperHornet, and the multi-service joint strike fighter. Numerous experts, including the Congressional Budget Office and the General Accounting Office, have concluded that given our current fiscal constraint and likely spending parameters, the current acquisition strategy is unrealistic, unwise, and untenable.

The administration's fiscal year 1998 proposal for defense spending provides $250 billion in budget authority. According to projections provided by the Joint Chiefs of Staff, the overall DOD budget is expected to rise after fiscal year 1998 until reaching a plateau of $277.5 billion. That is pretty amazing.

Amazingly, while all other areas of Government are cutting back, the Pentagon is anticipating a $27 billion peacetime increase over the next 5 years.

The overall defense budget is comprised of several individual budgets, including, among others, those for military personnel, operations and maintenance, military construction, and, of course, procurement, which relates to the purchasing of new aircraft, weapons systems, and technology.

It is the procurement budget that I would like to focus on for a moment. The Pentagon's current procurement funding level for new weapons systems, ships, and aircraft in fiscal year 1997 is just over $44 billion.

But under the Defense Department's current acquisition plan, in order to achieve the projected purchasing levels of new aircraft and ships, procurement funding will have to rise 55 percent, 55 percent Mr. President, over the next five years, until it reaches a level of $68.3 billion.

Every other title within the Pentagon's budget request—whether we are talking about quality of life issues for service personnel or spending on research and development—every other title remains relatively stagnant over the next 5 years.

No other program within the Pentagon's budget is receiving the sort of dramatic increase the procurement budget is slated to receive.

The need for additional procurement dollars—24 billion of them—is the result of the Pentagon's planned purchase of some 4,440 new tactical fighter airplanes at a total price tag of at least $350 billion according to the Congressional Budget Office.

The Defense Department argues that our fighter force is in need of modernization and that as a percentage of the overall defense budget, procurement spending is within historical norms.

It is true, Mr. President, that the Pentagon's projections place our level of aircraft acquisition at or slightly below where we were in the 1980's, in terms of as a percentage of the overall defense budget.

But this omits the fact that the defense budget was an entirely different creature in the 1980's than it is today. Thus, when the Pentagon argues that the piece of the pie they are asking for today in terms of procurement spending is roughly the same as it was in the 1980's, we must recognize that the size of the whole pie was profoundly greater than it is today.

The procurement budget itself is comprised of a number of weapons systems and technology programs, but the Pentagon's acquisition strategy is dominated by the three tactical fighter aircraft proposals currently on the table.

This strategy includes three separate programs, all very expensive, all the subject of questions raised by budgetary and aviation experts, and all scheduled to move forward at unrealistic procurement levels.

We begin with the Navy's F/A–18 E/F SuperHornet program. This aircraft is the followup to the F/A–18 C/D, currently employed by both the Navy and the Marine Corps.

The F/A–18 is an all-weather, multimission strike fighter, and the Navy currently has about 580 in its inventory. Although the C/D performed remarkably well in the gulf war and has the capability of achieving most of the Navy's requirements with some retrofitting, the Pentagon is currently asking for 1,000 of the expensive E/F airplanes, at a projected cost of about $42 million per airplane. The F/A–18 E/F program has a cumulative cost of at least $67 billion and up to $89 billion according to the General Accounting Office.

The second program belongs to the Air Force. It is the F–22 Raptor, a stealthy fighter intended to provide air superiority but at a extraordinary cost. This aircraft, which one Navy official referred to as ''gold-plated,'' will cost at least $71 million per airplane, with some estimates reaching over $100 million per aircraft. In all, the F–22 program, slated to provide some 440 airplanes to the Air Force, will cost at least $70 billion.

The final program is one which is truly still in infancy. The joint strike fighter, formally the Joint Advanced Strike Technology [JAST] Program, is actually still on the drawing board with two major contractors, Boeing and Lockheed Martin, dueling for what is expected to be at least a $219 billion contract—$219 billion, Mr. President. That is some contract. And given the Pentagon's porous record keeping its aviation programs on schedule and on target, the costs of this program will likely surpass the initial $219 billion figure. The JSF is intended to be a joint-service, multipurpose aircraft tailored to each of the service's individual needs. The Navy variant will have carrier landing and takeoff capabilities. The Marine Corps variant will have short takeoff and vertical-landing capability. In all, the Pentagon expects to purchase 3,000 joint strike fighters

over a 25-year period from 2005 through 2030. The Air Force would purchase about two-thirds of these planes, the Marine Corps about 640, and the Navy the remaining 300.

The JSF program has thus far received mixed reviews. On one hand is the Pentagon's contention that these aircraft will be affordable because of commonality of components and high-volume production of an airplane capable of meeting each of the three services' differing operational requirements. On the other hand is the Pentagon's track record and the countless aviation programs that have promised so much in terms of cost savings and have delivered so little. In fact, the General Accounting Office estimates that the Pentagon's projections with respect to aircraft procurement typically have cost overruns of 20 to 40 percent.

This, Mr. President, provides an overview of the Pentagon's current acquisition strategy with respect to tactical fighter aircraft. And although the resolution I am submitting today focuses on tactical fighters, it is important to mention a few of the other programs on the Defense Department's wish list, as these programs will also be drawing on a limited procurement budget over the next few years.

There is the V–22 Osprey—a tilt-rotor aircraft to be used for troop and cargo transport, amphibious assault, and special operations—being built primarily for the Marine Corps and Navy. This is a $46.6 billion program expected to produce some 523 aircraft.

There is the Comanche reconnaissance and attack helicopter for the Army. The Pentagon expects to purchase close to 1,300 of these helicopters at a total price tag of $25 billion. And the Air Force is asking for 80 C–17 cargo and transport airplanes, at a procurement cost of over $18 billion.

That Mr. President, is just the portion of the procurement budget related to aviation spending.

The Navy, for example, is looking to increase the procurement of their surface ships, starting with another aircraft carrier, CVN–77, and 17 of the DDG–51 *Arleigh Burke* destroyers, as well as four new attack submarines. And in fiscal year 1999 the Navy would like to begin procurement of the new *San Antonio*-class amphibious landing ships for our Marine expeditionary forces.

Mr. President, in recent months a number of respected experts on military spending have warned the Department of Defense of an impending fiscal disaster.

The Congressional Budget Office, the General Accounting Office, Members of Congress on both sides of the aisle—even high-ranking Pentagon officials—have all forewarned that the Defense Department will not receive the procurement funding level it has projected and will not be able to sustain these tactical fighter purchases at their planned acquisition levels.

Unless we take a step back right now, in 1997, we will undoubtably have what some have dubbed a train wreck, or maybe more appropriately, a shipwreck, in the next few years.

I understand that many of my colleagues are either strong proponents or opponents of one or more of these individual fighter programs. The resolution I am submitting today does not target any one program for termination—it does not even suggest that one of the programs should be discontinued. The language in this resolution merely states that we do not have now, nor will we have, the necessary available funding to move forward with the purchasing of the number of fighter planes the Pentagon currently has scheduled and given that, the Pentagon should present to the Congress a more realistic acquisition strategy to take us into the next century.

In just 2 weeks or so, on May 15, the Pentagon is scheduled to deliver a reassessment of our strategic blueprint for our Armed Forces, known as the quadrennial defense review, or the QDR.

This is the first such reassessment since the 1993 Bottom-Up Review, and represents a collaborative effort on the part of the Secretary of Defense, the Joint Chiefs of Staff, and the individual services to conduct a comprehensive review of our inventories and projected needs.

The upcoming QDR presents the Pentagon a timely opportunity to reexamine its spending priorities and make a reasoned determination about what our tactical fighter force will realistically look like over the next 20 years. I am hopeful that the Pentagon will use this opportunity to present an acquisition strategy to the Congress that is affordable, tenable, and consistent with the goal of Congress to achieve a balanced Federal budget in the coming years.

If not, I intend to offer the resolution I am submitting today, or a variant of it, as an amendment to the budget resolution or other legislation as part of an effort to force the Defense Department to understand the gravity of this situation. I hope such a step proves to be unnecessary.

SENATE RESOLUTION 81—RELATIVE TO THE DENVER SUMMIT OF EIGHT

Mr. CAMPBELL submitted the following resolution; which was submitted to the Committee on the Judiciary.

S. RES. 81

Whereas this is the first Economic Summit to be held in the United States since the 1990 Economic Summit was held in Houston, Texas;

Whereas on May 29, 1996, the State of Colorado was announced as the host of the Group of Seven Economic Summit, to be held on June 20 through 22, 1997;

Whereas the Economic Summit is an annual meeting that brings together the leaders of the world's 7 most economically successful democracies: Canada, France, Germany, Great Britain, Italy, Japan, and the United States;

Whereas this is the first Economic Summit to include the transitioning economy of Russia, which has resulted in a new reference to the Economic Summit as the Denver Summit of Eight;

Whereas the central location of Denver among the summit members, with Europe to the east, Japan to the west, and central Canada to the north, enables the residents of Colorado to serve as a central pillar supporting the international bridge of friendship and prosperity;

Whereas the selection of the State of Colorado and the Denver metropolitan region as the host of the Summit of Eight reflects the region's growing economic importance in the international community;

Whereas Colorado has distinguished itself as an ideal site for the Summit of Eight because of its leading industries of telecommunications, aerospace, biotechnology, high technology, health care, education, agriculture, recreation, and tourism;

Whereas Colorado's dedicated law enforcement officers, firefighters, emergency medical technicians, and other public servants are able and committed to provide vital support to the Summit of Eight; and

Whereas the Summit of Eight promises to be 1 of the more significant summits of recent years, with results that will benefit the larger world community, including progress toward relieving international debt, supporting the economic development of Russia and the Ukraine, paving the way to increased efficiencies in international commercial transactions by reducing the regulatory barriers to electronic banking, and minimizing destabilizing factors in the world's financial markets: Now, therefore, be it

Resolved, That the Senate—

(1) expresses its appreciation to the citizens of Colorado and the Denver metropolitan region for hosting the Summit of Eight; and

(2) accords recognition of the hospitality to be provided by the people of Colorado and the Denver metropolitan region.

Mr. CAMPBELL. Mr. President, today I submit a resolution expressing the sense of the Senate to recognize the historic importance of the Denver summit of eight, and the contributions made by my home State of Colorado and many Coloradans in hosting this historic summit.

This meeting marks a historic change in the G–7 summit. For the first time in the 23-year history of these economic summits, Russia has been asked to participate to an unprecedented degree. At the Denver summit of eight, Russia will participate as a member, rather than as a passive observer who in the past were only allowed to engage in a post-summit dialog with the G–7.

In this important substantive and symbolic step, President Yeltsin will join with the leaders of the seven leading industrialized nations of Canada, France, Germany, Great Britain, Italy, Japan, and the United States to discuss monetary and economic policy.

After this significant development was announced at the recent United States-Russia summit, the name of the meeting was changed from G–7 to the Denver summit of eight.

As Coloradans, we are proud to have such a distinguished group of leaders coming to our State. And, as an honorary chairman, along with Senator ALLARD and Congresswoman DEGETTE, I

am proud that Colorado was chosen to host this historically important meeting.

The Denver area is symbolically important for being centrally located between our European partners to the east, our Japanese partner to the west, and the Canadian partner to the north. Furthermore, the thriving industries in Colorado and the robust economy of the Denver area reflect the growing economic importance of Colorado in the international arena.

The Denver area is a recognized leader in aerospace, telecommunications, biotechnology, high technology, health care, education, recreation, and tourism. We are proud to share these achievements with the rest of the global community.

I would also like to commend those dedicated Coloradans who serve as law enforcement officials, emergency medical technicians, firefighters, and health care providers, as well as the countless volunteers, who will provide invaluable services and contributions in support of the summit. Given the importance of this meeting, they have been working hard on their preparations to help ensure that the summit will proceed smoothly. This summit would not be possible without their donations of time, hospitality, and commitment.

I urge my colleagues to support passage of this resolution.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. D'AMATO. Mr. President, I ask unanimous consent that the Senate Committee on Commerce, Science, and Transportation be authorized to meet on April 30, 1997, at 9:30 a.m. on the nomination of Andrew Pincus to be General Counsel of the Department of Commerce.

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

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. D'AMATO. Mr. President, I ask unanimous consent that the Senate Committee on Commerce, Science, and Transportation be authorized to meet on April 30, 1997, at 10 a.m. on emerging trade issues on the U.S. consumer.

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

COMMITTEE ON FINANCE

Mr. D'AMATO. Mr. President, the Finance Committee requests unanimous consent to conduct a hearing on Wednesday, April 30, 1997, beginning at 9:45 p.m. in room 215 Dirksen.

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

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. D'AMATO. Mr. President, I ask unanimous consent on behalf of the Governmental Affairs Committee to meet on Wednesday, April 30, 1997, at 2 p.m. for a hearing on fighting crime and violence in the District of Columbia.

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

COMMITTEE ON THE JUDICIARY

Mr. D'AMATO. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Wednesday, April 30, 1997, at 10 a.m. to hold a hearing on Department of Justice oversight.

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

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. D'AMATO. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources be authorized to meet for a hearing on equal opportunity in Federal construction, during the session of the Senate on Wednesday, April 30, 1997, at 9:30 a.m.

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

COMMITTEE ON RULES AND ADMINISTRATION

Mr. D'AMATO. Mr. President, I ask unanimous consent that the Committee on Rules and Administration be authorized to meet during the session of the Senate on Wednesday, April 30, 1997, beginning at 9:30 a.m. until business is completed, to hold a hearing to consider revisions to title 44.

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. D'AMATO. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Wednesday, April 30, 1997, at 2:30 p.m. to hold a closed hearing on intelligence matters.

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

SUBCOMMITTEE ON SCIENCE, TECHNOLOGY, AND SPACE

Mr. D'AMATO. Mr. President, I ask unanimous consent that the Science, Technology, and Space Subcommittee of the Senate Committee on Commerce, Science, and Transportation be authorized to meet on Wednesday, April 30, 1997, at 2 p.m. on telepresence.

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

SUBCOMMITTEE ON SECURITIES

Mr. D'AMATO. Mr. President, I ask unanimous consent that the Subcommittee on Securities of the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Wednesday, April 30, 1997, to conduct an oversight hearing on Social Security investment in the securities markets.

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

ADDITIONAL STATEMENTS

RECOGNIZING THE 20-YEAR ANNIVERSARY OF SEATTLE SLEW'S TRIPLE CROWN

• Mr. MCCONNELL. Mr. President, I rise today to pay tribute to a true Kentucky legend. Triple Crown winners have a special place in every thoroughbred racing fan's heart, especially those of us who are lucky enough to have enjoyed their successes.

The last favorite to win the derby and the only undefeated triple crown champion in history, Seattle Slew came into the famed mile and a quarter race full of promise. Overcoming a disastrous start, the big bay righted himself and headed for the front where he would remain for the rest of the race, securing the first of the three jewels he would collect during the spring of 1977.

A mere 11 horses in history have won the triple crown, with only 3 accomplishing the feat since 1948. Select company indeed. If horse racing is the sport of kings then Seattle Slew is truly one of its emperors.

Some may think the champion stallion now lives the ''Life of Riley'' at Robert and Alice Clay's Three Chimneys Farm in Midway, KY. But, Seattle Slew did not stop setting records when his racing days were behind him, a fact I know the Clay family is eternally grateful for. He has sired dozens of champions who have racked up almost $50 million in career earnings.

The world recognizes that Three Chimneys is known for its champions, but even among the daunting lineup stabled in Midway, Seattle Slew stands out.

So, here's to the Clays, Three Chimneys, and most importantly one of the great legends in sport, Seattle Slew. As I grow older, 20 years seems like a very brief time, but it has been more than long enough for this great stallion to leave his indelible mark on the sport and those who love him.

Mr. President, I ask that an article from the April 27 Lexington Herald Leader be printed in the RECORD.

The article follows:

[From the Lexington Herald-Leader, Apr. 27, 1997]

A CHAMPION ENDURES

(By Mark Story)

He had no reason to be a champion.

In a sport where pedigree is everything, Seattle Slew was a commoner, the son of an unproven, unknown sire (Bold Reasoning) who would die not long after Slew's birth.

He was born deformed, ''turned out in front,'' which meant at least one of his legs was not correctly aligned to the rest of his body.

In his first year of life, he was so awkward his handlers nicknamed him ''Baby Huey'' after the accident-prone cartoon character.

Only by a freak of nature could such a horse aspire to greatness.

But in the world of racing, freaks do occur.

Twenty years ago this spring, Seattle Slew stamped himself with racing immortality.

Overcoming one obstacle after another, he became the only horse ever to win the Triple Crown—the Kentucky Derby, the Preakness and the Belmont—with an unbeaten record.

Then, after almost dying from a mysterious viral illness, he returned to the track as a 4-year-old and re-established his legend, defeating 1978 Triple Crown champion Affirmed along the way.

As a sire, Slew has also attained greatness, producing champions such as 1984 Derby winner Swale, Slew o' Gold and Capote. The legendary Cigar is a Seattle Slew grandson, as is Pulpit, one of the favorites for this year's Derby.

At 23, Slew shows little sign of slowing down. He continues to be a productive sire, commanding a $100,000 stud fee while standing at Three Chimneys Farm.

Not a bad life's work for a freak.

''This horse is all heart, every bit heart,'' said Mickey Taylor, one of Slew's owners during his racing days and his syndicate manager now. ''He tried his best at everything we ever asked him to do. And he had the talent to do about anything we asked.''

AN OBSTACLE COURSE

For Seattle Slew, nothing ever came easily.

His trip through the Triple Crown was an epic tale of problems overcome.

Derby obstacle. Sent off as the 1–2 favorite by a Derby crowd of 124,038, he very nearly lost the race in the starting gate.

Fractious in the gate, Slew was caught flat-footed when it opened. He nearly reared coming out of the gate, came very close to making a sideways start and alarmingly near to throwing jockey Jean Cruguet.

Before he ever started running, he was five lengths behind the field.

In the Churchill Downs owner's boxes, Mickey Taylor put down his binoculars.

''I wished we were anyplace else in the world at that moment,'' he said last week. ''I thought we were cooked.''

On the track, Cruguet didn't feel much better. But the French jockey made a snap decision. He asked Slew for everything he had. ''It was do or die,'' Cruguet said last week. ''It was easy to decide for me: We had to go.''

And go Slew did.

Flying toward the front, he bulled through horses and, miraculously, was within a head of the leader, For The Moment, after a quarter mile.

More miraculously, Slew did not tire after his sprint to the front. He won by 1¾ lengths over Run Dusty Run.

The win was sweet vindication for Slew trainer Billy Turner. Early on, Turner had decided never to ask Seattle Slew to do too much in training. He was afraid if he worked him too hard, the horse's natural inclination toward speed would become dominant and Slew would never develop the stamina required to run Classic distances.

This was a courageous, disciplined training decision—and one widely second-guessed in the weeks leading up to the '77 Derby. The joke was that Turner was ''walking Slew up to the Derby.''

It took guts to stay with it.

''This was a very fast horse,'' Cruguet said. ''A lot of people would have burnt him up. Billy did a very good job getting him to stretch out and run distances.''

Preakness obstacle. But speed was the problem in the Preakness. A talented, fresh speed horse, Cormorant, would try Slew at Pimlico after skipping the Derby.

Cormorant's connections were so confident they showed up in Baltimore sporting ''Slew Who?'' T-shirts.

Then Cormorant drew the inside post position, the place to be on a Pimlico track with tight turns and a bias toward speed.

In the race, Cormorant beat Slew to the front and to the rail. He then held his spot, forcing Seattle Slew to race him around the track on the outside.

So Cruguet and Slew dug in. They hooked Cormorant in a withering speed duel, running the fastest mile (1:34⅘) in Preakness history.

Cormorant wilted; Slew didn't, and finished the race 1½ lengths ahead of Iron Constitution.

Belmont obstacle. In the Belmont, the problem was supposed to be distance. Many thought Slew was not bred to run 1½ miles. But that turned out to be a breeze; the problem was traffic—not horses on the track, but cars parked around the track. There were so many that Seattle Slew could not get to the track.

When he finally made it, the race was almost an anticlimax. Slew controlled the pace from the front and easily defeated Run Dusty Run by 4 lengths.

The 10th Triple Crown winner, Slew was the only one who was undefeated at the time he won.

OFF-THE-TRACK WOES

Seattle Slew's racing brilliance was nearly matched by the turbulence that would engulf his owners and handlers over the years.

At the time of the Kentucky Derby, Karen Taylor, Mickey's wife, was listed as the owner.

A former flight attendant, Karen Taylor became a media darling in the spring of 1977 for her unassuming ways. ''I live in a mobile home and I drive a pickup truck,'' she said then, ''but I've got a hell of a horse.''

But by the time the horse ran in the Belmont, it had become public that the ownership of Seattle Slew was more complex.

It turned out the horse was actually owned through a corporation (Wooden Horse Investments Inc.) by the pension and profit-sharing plans of Dr. James Hill and a logging company owned by Mickey Taylor, Karen's husband.

Hill, at the time a New York-based veterinarian, had helped the Taylors pick out Seattle Slew at the 1975 Fasig-Tipton yearling sale.

As an act of friendship, they say now, the Taylors eventually made Hill a half-owner in Seattle Slew.

New York racing officials looked askance at Slew's ownership structure.

In court documents from a subsequent lawsuit, Taylor and Hill maintained that ownership of Seattle Slew was set up as it was for tax reasons.

But in New York, it was against the rules for a practicing veterinarian to have ownership in a horse. The rationale was that it created at least the appearance of a conflict of interest if a vet were treating horses who might race against a horse he owned.

On August 25 of '77, New York racing officials suspended Hill for 30 days. He called the suspension unjust, but did not appeal.

For the ''Slew Crew,'' as the horse's connnections were called, the trouble was just beginning.

After the Belmont, trainer Turner announced that Slew would be taking several months off from training. He even had the racing shoes taken off the horse's hooves.

But in a controversial decision, the owners overruled him and decided to race Seattle Slew in the $300,000 Swaps Stakes at Hollywood Park in July.

The race was a disaster.

Sent off as the 1-5 favorite, Slew never fired and was humiliated, finishing a badly beaten fourth, 16 lengths behind winner J.O. Tobin.

To this day, the Taylors maintain that Turner signed off on shipping Slew west, but the trainer was widely quoted after the race saying that was untrue. In one interview, he called it ''the dumbest thing I ever heard.''

''After the Belmont, (Seattle Slew) was dead,'' Cruguet said, ''. . . The owners, they thought he was a machine.''

Cruguet said he knew after a quarter mile that he was on a beaten horse. ''This horse had never lost,'' Cruguet said. ''It was not a good feeling.''

From that day on, things were never the same for the original ''Slew Crew.''

By December of 1977, the owners had fired Turner. The sides could never heal the breach over the decision to ship west.

Eventually, Turner would sue the owners, claiming they reneged on a promise to give him a lucrative lifetime breeding share in Seattle Slew.

Shortly after Turner was fired, Seattle Slew almost died.

For four days in January of '78, the horse ran a fever. For a time, he refused to eat or drink. His bodily functions ceased. A low white blood cell count suggested a serious infection.

His owners were distraught. Karen Taylor would cradle the ill horse's head on her lap, and sing him lullabies.

''Ninety-nine percent of horses would have died,'' Mickey Taylor said.

Slew didn't. In fact, he recovered and returned to the track to win five of seven races as a 4-year-old (both losses were in photo finishes). He added to his legacy by defeating Affirmed and was 1978's Champion Older Horse.

What almost killed Slew? Mickey Taylor said he knows, but will not reveal it until Seattle Slew's career at stud is finished. He did say the horse was not poisoned.

But even after Seattle Slew's racing career ended, the turmoil among his ''Crew'' did not. By 1992, the owners were suing each other.

Once, Hill and Taylor had been so close that Hill said they did not need a contract to do business: ''A handshake with a man I trust'' was enough, he said.

In 1992, Hill filed suit against Taylor, claiming that Taylor had, among other things, siphoned money from their corporation, used corporation money to buy houses for family members and hired and overpaid his relatives.

In November of '93, a jury in Lexington found for Hill and awarded him $4.4 million.

Now, the Taylors said they do not speak with the Hills.

''There really isn't much there to be said,'' Karen Taylor said.

'IT'S ALMOST LIKE HE KNOWS'

Today, Seattle Slew occupies a 16 16 stall in the main stallion barn at Three Chimneys Farm.

Among those quartered with him are two of his sons, Slew O' Gold and Capote as well as such well-known horses as Arazi and Wild Again.

Even at 23, Slew boasts the top stud fee at the farm ($100,000). ''He's one of the most potent horses we have,'' said Three Chimneys Stallion Manager Wes Lanter.

As a sire, Slew has emerged as clearly superior to the other two modern Triple Crown winners, Secretariat and Affirmed.

''It's not even close,'' said William Munn, a thoroughbred pedigree expert based in Fort Lauderdale, Fla.

Seattle Slew has had success on both sides of his line. He sired another Kentucky Derby winner, Swale (1984) and another Horse of the year, A.P. Indy (1992). On the other side, Cigar, who tied Citation's North American record with 16 straight wins, was the son of a Seattle Slew mare.

Though there are no guarantees in the world of horse health, farm officials think Slew has a good chance to live into his 30s.

Many of Seattle Slew's days start about 7 a.m., when he is saddled and ridden around the all-weather track at Three Chimneys, where he has stood at stud since 1985.

(Continuing his knack for finding off-the-track turmoil, Seattle Slew began his stallion career at the ill-fated Spendthrift Farm, which collapsed financially in 1988).

It is fairly unusual for horses standing at stud to be ridden, but Three Chimneys rides all its stallions.

''We think it keeps them healthy, and we think it keeps them happy,'' said Farm Manager Dan Rosenberg.

The man who knows Slew better than anyone, his groom of 15 years, Tom Wade, says Slew hasn't changed much over the years. He has a touch of arthritis and his back has drooped just a bit. ''But he's a fit horse,'' Wade said. ''You can look at him and see that.''

Now, as the 20th anniversary of his Triple Crown approaches, Judy DeHaan, the exercise rider at Three Chimneys, has noticed something funny about Slew.

''It's almost like he knows,'' she said. ''He's gotten a little spring in his step again. Lately, it's like 'Hold on Judy. We're gonna go.'

''Even at 23, on his good days, he's still got it.''●

PAYMENT OF LEGAL OBLIGATIONS TO THE UNITED NATIONS

● Mr. WELLSTONE. Mr. President, I rise today to join with over 1,400 of my constituents from Minnesota who have signed a petition calling for the payment of all of the United States' legal obligations to the United Nations by the immediate payment of all dues in arrears. I agree with my constituents that it is embarrassing that the United States, the richest and most powerful nation on Earth, expects the United Nations to provide peacekeeping and humanitarian aid in response to the world's conflicts but does not honor its financial responsibility to the United Nations.

With several billion dollars of uncollected dues, the United Nations is now in dire straits. Consequently, it must borrow from scarce funds allocated for peacekeeping operations simply to pay staff salaries and to meet its other financial obligations.

Of the unpaid dues approximately half are owed by the United States. Rather than providing other U.N. members with an example of international responsibility, our Nation is doing just the opposite. This makes the United Nations increasingly incapable of carrying out numerous tasks that are clearly in our Nation's interest but that we ourselves are either unable or unwilling to perform.

I ask that the cover letter sent to me by the Minnesota Alliance of Peacemakers and the World Federalists Association with the petitions on this important issue be printed in the RECORD.

The cover letter follows:

WORLD FEDERALIST ASSOCIATION,
MINNESOTA CHAPTER,
Minneapolis, MN, April 19, 1997.

Hon. PAUL WELLSTONE,
U.S. Senate
Washington, DC.

DEAR SENATOR WELLSTONE: We, the undersigned representatives of the Minnesota Alliance of Peacemakers and of the Minnesota Chapter of the World Federalist Association, are honored by your willingness to meet with us in respect to some matters that bear closely on your duties as a member of the Senate Foreign Relations Committee. That assignment is, in our view, among the most important that any member of the Senate could receive, given the complex and increasing political, economic, and ecological interdependencies within our ever-shrinking planet.

While the world looks to the United States for leadership in this period of transition to a new post-Cold War era, we believe that, it would like to see such leadership exercised within the context of the United Nations System. However, as you are well aware, the viability of that system has been seriously jeopardized because of the non-payment or late payment of dues by many member nations. The principal debtor, by far, is the United States. This country's failure to meet its legal obligations as a UN member sets a deplorable example for others and is not a proper way to exercise leadership. Rather, it tarnishes the good name of the United States in the international community and diminishes our effectiveness in world affairs. For this reason, among others, we submit to you copies of petitions signed by 1417 Minnesotans calling on the United States to pay its current and back dues to the UN promptly and in full. The collection of these signatures is the result of a local drive by the Minnesota Chapter and a recent national drive by the national organization of the World Federalists Association, on the occasion of the 50th anniversary of the United Nations. This initiative is consistent with one of the accompanying policy positions adopted by the Minnesota Alliance of Peacemakers on November 12, 1996. A copy of those proposals has already been forwarded to your office. The Alliance, be it noted, is a coalition of twenty-seven peace and justice organizations whose combined membership approaches 10,000 concerned and politically active citizens.

We hope and trust that you will weigh our views carefully in the respective proceedings of the Senate Foreign Relations Committee and wish you much success and courage in the all important arena of foreign policy.

Respectfully yours,

The Rev. Lyle Christianson, President, Minnesota Alliance of Peacemakers; Elsie Evans, Board Member, National World Federalists Assoc.; Evangelos Kalambokidis, Board Member, World Federalists Assoc. National & MN Chapter; Mary White, Vice President, Minnesota Alliance of Peacemakers; and Joseph E. Schwartzberg, President, World Federalists Assoc./MN Chapter.●

PLYMOUTH CHURCH OF BROOKLYN, NY

● Mr. MOYNIHAN. Mr. President, founded in 1847, Plymouth Church of Brooklyn, NY, has made significant contributions to the Nation. The church building, designated in 1963 by the U.S. Department of the Interior as a national historic landmark, was known as the ''Grand Central Depot of the Underground Railroad'' because of the antislavery activities of Rev. Henry Ward Beecher and the congregation.

Reverend Beecher was familiar with the horrors of slavery auctions from his own observation and from experiences of members of his family, including his sister Harriet Beecher Stowe who wrote ''Uncle Tom's Cabin.'' Thus, on several occasions between 1848 and 1860, he conducted well-publicized mock slave auctions at Plymouth Church with the results that the congregation secured the freedom of the slaves and he demonstrated to the Nation the barbarity of selling people who had been created, according to the Bible, ''in the image of God.'' These auctions helped create a pro-abolitionist consensus in the North.

In February of 1860, Abraham Lincoln, then relatively unknown east of the Appalachians, was invited to speak at Plymouth Church. At the last moment, the location of the speech was changed to Cooper Union where Lincoln made an address which introduced him to the eastern United States which, in turn, led to his nomination for the Presidency less than 3 months later. Lincoln worshiped at Plymouth Church on two occasions, the only times he attended church services in New York State.

Following the end of the Civil War, the congregation of Plymouth Church supported the position that women and black men should have the right to vote. Even after the 15th amendment to the Constitution gave newly emancipated black men the right to vote, Plymouth Church continued to advocate for the right of women to vote. Reverend Beecher was the only man ever to serve as president of the American Suffrage Society.

Reverend Beecher left an impact on other areas of American cultural life. He was among the first religious leaders in the United States to embrace Darwin's theory of evolution and Spencer's theories of social evolution. He was an early advocate of Jewish-Christian dialog and of giving public standing to Judaism as a major American faith group.

Because the church was for many years the largest and best known public building in Brooklyn, many notable persons have spoken there, including Wendell Phillips, Frederick Douglass, Booker T. Washington, Clara Barton, and the Reverend Dr. Martin Luther King, Jr. Mark Twain, who described Plymouth Church's 1867 grand tour of Europe and the Holy Land in his book ''Innocents Abroad,'' also spoke there.

In 1934, Plymouth Church and neighboring Church of the Pilgrims merged to form Plymouth Church of the Pilgrims. On May 4 of this year, Plymouth Church of the Pilgrims will celebrate the 150th anniversary of the founding of Plymouth Church and the commencement of the ministry of Rev. Henry Ward Beecher. I wish to add my congratulations to the Reverend Sharon Power Blackburn; Frank Decker, president of the Plymouth Council; and the entire congregation of Plymouth Church of the Pilgrims on this most important occasion.●

HONORING THE MICHIGAN FDR MEMORIAL COMMITTEE

● Mr. LEVIN. Mr. President, I rise today to welcome the members and guests of the Michigan FDR Memorial Committee, who will be arriving in Washington for the May 2, 1997, dedication of the new memorial to our Nation's 32d President.

Franklin Delano Roosevelt infused millions of Americans with a spirit of hope during the Great Depression and World War II. Fifty-two years after his death, President Roosevelt continues

to be an inspiration to so many people, including an organization from my home State of Michigan. The members of the Michigan FDR Committee used their time and talents to raise money to send a group of students and senior citizens from Michigan to Washington for the dedication of the Roosevelt Memorial.

The officers of the Michigan FDR Memorial Committee who are leading this delegation are Gerald T. Harris, Kathleen Jansen, Ken Pittaway, Meena Narula, Susan Purdy, Colleen Harris, Dennis Nauss, Cherie Maleyko, Jean Kearney and Charlie Brown. Guests of the committee are Heather Avery, Erik Bardram, Dan Browning, Jennifer Burss, Becki Cadarette, Mrs. D. Cadarette, Jill Carouso, Mary Jane Condon, Joe Cook, Sherrie Goble, Edna Heck, Paul Kuplicki, Jr., Heather Lotter, Rocco Marcola, Shona Narula, Vijay Narula, Deon Pearson, Stephen Rafter, Nehal Raval, Linda Shariak, Mario Smith, Barb Strojny and Cynthia Vlachos.

The presence of the Michigan FDR Memorial Committee delegation at the dedication ceremonies for the memorial is most welcome, and I encourage our colleagues to join me in welcoming them to Washington.●

EDITH PRATT ''PATTY'' MASTERSON

● Mr. ROBB. Mr. President, I rise today to note the passing of Edith Pratt ''Patty'' Masterson. She died Sunday, April 20, 1997, at the age of 75.

Ms. Masterson was very active in Virginia politics, and her contributions to Virginia were noted in the Virginia Pilot newspaper in Norfolk. I ask that a February 16, 1997, article from the Virginia Pilot be included in the RECORD.

As the article indicates, for the past 6 years Ms. Masterson was active in public life as the chief lobbyist for Virginians Against Handgun Violence. Her most prominent victory with that organization was the passage of the one gun per month law in Virginia in 1992. Gun violence is a scourge that threatens the lives of our young people, and simply for her efforts to end gun violence, Ms. Masterson deserved recognition and high praise.

But Ms. Masterson's lengthy and remarkable public life, which began more than half a century ago, also deserves recognition. In the 1940's Ms. Masterson became the first woman to argue a case before the South Carolina Supreme Court, and she won her case. She also raised five children and later she went on to teach for 35 years. John Casteen, now the president of the University of Virginia, stated Ms. Masterson was the ''best teacher I've ever seen.'' Ms. Masterson's participation in a variety of civic and educational organizations continued during her last years, and in 1991 she was named Hampton Roads Pioneer Woman of the Year.

Mr. President, I commend to this body and the American people the life and public service of Ms. Edith Pratt Masterson.

The article follows:

[From the Virginian-Pilot and the Ledger-Star, Feb. 16, 1997.]

PATTY MASTERSON: A VIRGINIA-MADE ACTIVIST

(By Margaret Edds)

The volume is thick as a phone book and appropriately covered in red. ''Only in Virginia—1996,'' the title reads, calling to mind the state's proud promotional slogan, ''Made in Virginia.''

But the handiwork recorded in this fresh-off-the-copying-machine document is no cause for civic pride. The 200-page compilation is of 1996 Virginia newspaper clippings that feature guns and bloodshed. The sampling of Virginia murders, woundings, accidents and suicides is representative but incomplete.

Pages contain up to five clippings each, gathered by volunteers across the state. Virginians Against Handgun Violence oversaw the project. The League of Women Voters helped. The Center to Prevent Handgun Violence in Washington contributed. It is a chilling work.

''When it was clear last year that we were going to have absolutely nothing (in terms of gun-control legislation), it occurred to me that if you could clip all the events involving bloodshed by firearms, not the burglaries or the robberies, it might make an impression,'' said Patty Masterson, a retired Norfolk Academy English teacher who conceived the volume and last week helped distribute it around Capitol Square.

She was right. The page-after-page drumbeat of tragedy is first startling, then compelling, then exhausting. One of the women who provided clippings from the Richmond area recently quit. It was too disspiriting an exercise, she said.

This is the sixth winter since Masterson, then newly retired from the classroom, adopted the cause of handgun control and moved from Virginia Beach to a Richmond hotel room for a two-month vigil. As a volunteer lobbyist for Virginians Against Handgun Violence, she has become a fixture in the legislative halls, brightening committee rooms with her white hair, knit sweaters and welcoming smile.

In this role, Masterson has brought to bear all the skills that have sustained her through an adventurous 74 years—creativity, passion, good sense. The combination helped make her one of the first female attorneys in South Carolina, a Navy wife and enthusiastic mother of five, a popular teacher for 35 years and the force behind a series of seminars on how children learn.

But those characteristics have yet to penetrate the mass consciousness in the Virginia General Assembly. Masterson's most thrilling moments in Richmond were among her first. In the 1992 session, with then-Gov. L. Douglas Wilder leading the charge, lawmakers limited over-the-counter handgun sales to one per person per month.

''We did nothing to create it,'' Masterson said recently of the law, ''but we had the fun of surfing in with it.'' Since then, Masterson and her gun-control colleagues have learned both the importance of having a governor in your corner and the frustration of going up against a lobby as entrenched as the National Rifle Association. Last year, all of the major legislation they supported died. This year, two of the three bills Masterson cared most about were not even heard in committee.

Her response, like a schoolmarm with a class of sluggards, has been to search for new ways to make lawmakers sit up and take notice. ''Only in Virginia'' is one result. Masterson believes anyone who takes time to peruse its headlines—''Father Shot on Way Home,'' ''Boy, 5, Shoots Mother With Father's Rifle,'' '''My Only Son,' Mother says after Slaying,''—must be moved to act.

Her commitment does not blind her to the limitations of gun control. ''Even if the sale of handguns to civilians were stopped here and now, we'd still have problems because of the millions of handguns out there,'' Masterson acknowledged. But she also recognizes the consequences of inaction. ''It can only get worse if we do nothing.''

Not surprisingly, the shootings that Masterson most deplores are those involving domestic violence and children who accidentially set off guns. Such deaths or woundings ''seem so unnecessary,'' she said. ''To me, they are products of a proliferation of handguns.''

At a minimum, she believes, gun sales should be limited to storefront transactions or—with private sales—to law-enforcement offices; purchasers should be required to take gun-safety courses, and trigger-locks should be required on guns.

As a student of human development, she also believes that society should do much more to guard against the eruption of violence. Gun-control advocates are ''dealing with the tippity, tippity, tip of the iceberg,'' she said. Those working with preschool education and domestic relationships are closer to the core of the problem.

Legislative victories or no, what keeps her going is ''a passion for living, for learning, learning, learning,'' she said. It's an attitude that qualifies Masterson as a state treasure, Made In Virginia.●

CYBER-CHATS

● Mr. LEAHY. Mr. President, over a year ago, I began having online computer chats with students from around my home State of Vermont. These chats have been a lot of fun and very informative. The questions that the students have asked me reflect not only their interest in government and current events, but also the advantages that they have in terms of access to knowledge via the information superhighway.

Just 3 or 4 years ago, I could not have imagined coming back from a vote on the Senate floor, sitting down in front of my computer and having a conversation with a group of young Vermonters over 500 miles away. The advances in technology have amazed me, but so have the understanding students have about technology and what it means for all of our futures.

Students' questions have ranged from my legislation to protect the privacy of our online communications to United States policy toward Iraq to how to get them out of their next period math test. While I will never be able to help a student skip a math test, these discussions have convinced me of the thirst of our children for the opportunities these technologies represent and our responsibility as leaders to help provide them

Last week, I had the unique opportunity to chat with students from one of the Nation's oldest running one-room schoolhouses in Granville, VT. I

ask that the transcript from this chat be printed in the RECORD as testimony of the wonders of Internet technology and, more important, of our Nation's youth.

I also want to thank Shannon Roland, the teacher at Granville, for her work in preparing these exceptional students. She should be commended for bringing their education outside of and beyond the walls of a one-room schoolhouse.

The transcript follows:

ONEROOM 1. Glad to be here. I am now surrounded by 17 beautiful first through fourth graders, aged 7 to 10. AP and Channel 22 are also here. Hello Senator.

PATRICK L. I wish I could be there with you in person but we are all excited in Washington to be doing this.

ONEROOM 1. We are too. Jack has a question for you. Have you ever seen a land mine?

PATRICK L. I am not the world's best typist so I apologize if I make some mistakes.

ONEROOM 1. That's fine. We're learning too.

PATRICK L. I have seen landmines all over the world and have two deactivated ones on my desk. They are horrible weapons that should all be banned. They kill mostly children and innocent civilians.

ONEROOM 1. Brian wonders if you've ever seen the Granville School web page.

PATRICK L. Love the picture of the school on the front. Who is the student?

ONEROOM 1. That's a picture of Benny. He's going to be a bug scientist. Dylan asks, where do you live?

PATRICK L. I live on a tree farm that belonged to my parents in Middlesex, Vermont. I drive down route 100 often.

PATRICK L. I also have a house in the Washington area where I live when the Senate is in session.

ONEROOM 1. Brooke wonders if you might stop by our school sometime.

PATRICK L. I would like to drop by sometime. Unfortunately we are often in session while you are in school and you are out when I get home to Vermont for the weekend. After seeing your web page I am especially eager to drop by.

ONEROOM 1. We'll be going to school on Memorial Day if you're around. We've had lots of snowdays. Harlie wonders if you know any of the children who were killed by landmines.

PATRICK L. I have visited a lot of hospitals around the world where we use the Leahy War Victims Fund. My wife is a registered nurse and I have watched her help with some of the children who have been injured. It is a real tragedy and it has to stop.

ONEROOM 1. We agree. Benny (the boy in the picture) wonders what you do in your free time.

PATRICK L. Benny I try to cross country ski around my farm during the winter and hike there during the summer when I am home. I am also an avid photographer and bring a camera with me almost everywhere I go even to meetings at the White House.

PATRICK L. Benny you look great in the photo!

ONEROOM 1. We like to cross country ski. In fact, we had lessons here all winter. Sammi wonders if you have ever been to a one room schoolhouse. We think you would like to meet our teacher because she's really nice. [Picture].

PATRICK L. I think you are very fortunate to have Shannon as your teacher. I have not been in a one room schoolhouse since I was a child but it seems to me you are getting a better education than a lot of very large schoolhouses.

ONEROOM 1. We think so too. We're going to Boston to the museum and the aquarium for our school field trip. Jasmine wonders when you started being a senator.

PATRICK L. The field trip sounds great. I did one like that when I was 12 and still remember it. Jasmine I became a Senator when I was 34. That was in 1975.

ONEROOM 1. Erica asks, have you ever lost a law you wanted?

PATRICK L. Many times, Erica, I will push for legislation that doesn't pass the first time around but we keep working until it does. One example is the Northeast Dairy Compact. At first it failed but finally passed and will help the dairy farmers in Vermont.

ONEROOM 1. Christopher is also concerned about landmines. He wonders where most of them are.

PATRICK L. Most of the landmines, Christopher, are in Africa.

ONEROOM 1. Dylan says that it scared him too. Brooke says her favorite book is ''Anne of Green Gables.'' Sammi wonders if you can make a link from your site to our web page.

ONEROOM 1. Brian wonders if that's your wife skating with you in the picture on your web page.

PATRICK L. Sammi we will link it with the transcript and a couple drawing. Dylan I know what you mean and Brooke I liked that one too and read it to my children when they were young.

ONEROOM 1. All of the children say thank you for taking the time to do this. This is cool to talk back and forth like this. And it's neat the way we can send questions and have you answer them. Thank you very much. We have to go to recess now.

PATRICK L. Brian that is my wife Marcelle with me and it was taken on one of the fields at our farm in Middlesex—just a ways up route 100.

PATRICK L. Thanks—wish I could go to recess with you but instead will head to the Senate floor. I am very proud of all of you and thank you!●

AVOID FURTHER BLOODSHED, NEGOTIATE PEACE IN ZAIRE

● Mr. BIDEN. Mr. President, Zaire must seize the current moment to avoid further bloodshed and negotiate a peaceful resolution to its current crisis. A tentative agreement for a meeting on Friday between President Mobutu Sese Seko and rebel Alliance leader Laurent Kabila has been reached. This meeting is critical to avoid further loss of human life in Zaire. I applaud Ambassador Richardson's presence in Zaire and fully support his important and courageous efforts to facilitate a peaceful settlement to the current political turmoil.

The current crisis in Zaire has reached a critical fork in the road. In one direction lies the peaceful path of democracy and economic reform. In the other, the well-worn road of violence, bloodshed, and political instability. President Mobutu Sese Seko and rebel Alliance leader Laurent Kabila at this moment hold the fate of their country in their hands.

I strongly encourage President Mobutu and Mr. Kabila to earnestly engage in a critical dialog on the future of Zaire. I urge them to put the interests of Zaire and their countrymen first, and resolve the current political crisis without further unnecessary loss of life.

I have been deeply troubled by recent reports of wide-spread human rights abuses and mass killings of refugees and displaced persons in rebel-controlled Zaire. There are numerous accounts of desperately ill and malnourished women and children being indiscriminately slaughtered and maimed.

Recently 55,000 refugees have inexplicably disappeared from a refugee camp outside Kisangani. Of these refugees, some 9,000, including 2,500 severely malnourished children, had only days earlier been deemed medically unfit to travel by visiting relief workers.

After a week of repeatedly denying the United Nations to care for and repatriate refugees in rebel-controlled territory, today's news reports indicate the rebel Alliance is once again allowing the United Nations to care for the sick and the dying. Refusal to have given access to the United Nations over the past week, resulting in the maltreatment of refugees and displaced persons has been nothing short of deplorable.

I call upon Mr. Kabila to put a permanent end to the bloodletting of innocents in Eastern Zaire. All impediments to humanitarian relief efforts in Zaire must be permanently removed.

The United Nations must be permitted continued full access to these refugees and allowed to repatriate them to Rwanda without interference. Furthermore, the slaughter of those refugees suspected of responsibility for the 1994 Rwandan genocide must cease, as it is neither justifiable nor defensible. These people must be returned to Rwanda where they can stand trial in an appropriate court of law and rightly be held accountable for their crimes.

It is time for President Mobutu and Mr. Kabila to signal their willingness to set Zaire on the path to peace and democracy. Zaire is a country of enormous potential that has suffered untold tragedies. Failure to seize this critical opportunity to negotiate peace in Zaire will only set that country woefully back.

The fighting in Zaire must stop. The crisis in the country cannot be resolved by force. Replacement of the Mobutu regime with yet another authoritarian regime is a recipe of further political instability. I strongly urge both President Mobutu and Mr. Kabila to seize the current opportunity to avoid further bloodshed and choose the constructive path of peace and democracy in Zaire.●

AMENDING TITLES XVIII AND XIX OF THE SOCIAL SECURITY ACT

Mr. DEWINE. Mr. President, I ask unanimous consent that the Finance Committee be discharged from further consideration of H.R. 968, and further that the Senate proceed to its immediate consideration.

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

The clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 968) to amend title XVIII and XIX of the Social Security Act to permit a waiver of the prohibition of offering nurse aide training and competency evaluation programs in certain nursing facilities.

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

Mr. DEWINE. Mr. President, I ask unanimous consent that the bill be considered read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill appear at the appropriate place in the RECORD.

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

The bill (H.R. 968) was deemed read the third time and passed.

EXTENDING THE TERM OF APPOINTMENT OF CERTAIN MEMBERS OF THE PROSPECTIVE PAYMENT ASSESSMENT COMMISSION AND THE PHYSICIAN PAYMENT REVIEW COMMISSION

Mr. DEWINE. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 1001, which was received from the House.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 1001) to extend the term of appointment of certain members of the Prospective Payment Assessment Commission and the Physician Payment Review Commission.

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

Mr. DEWINE. Mr. President, I ask unanimous consent that the bill be considered read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be placed at the appropriate place in the RECORD.

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

The bill (H.R. 1001) was deemed read the third time and passed.

ORDERS FOR THURSDAY, MAY 1, 1997

Mr. DEWINE. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until the hour of 10:30 a.m., on Thursday, May 1. I further ask unanimous consent that on Thursday, immediately following the prayer, the routine requests through the morning hour be granted, and the Senate then immediately begin consideration of S. 543, the Volunteer Protection Act.

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

PROGRAM

Mr. DEWINE. Mr. President, for the information of all Senators, tomorrow morning the Senate will begin consideration of the bill, S. 543, the Volunteer Protection Act. It is the understanding of the majority leader that there are a few amendments which are expected to be offered to this bill. Therefore, Senators can anticipate votes throughout Thursday's session of the Senate.

Mr. President, it is the hope of the majority leader that the Senate will be able to complete action on this important legislation tomorrow. Also, there is the possibility that the Senate could consider items on the Executive Calendar. Therefore, additional votes could occur other than votes on the Volunteer Protection Act during tomorrow's session.

In addition, if the Appropriations Committee completes action on the supplemental appropriations bill tomorrow, it is the intention of the majority leader that the Senate proceed to consideration of the supplemental on Monday.

ADJOURNMENT UNTIL 10:30 A.M. TOMORROW

Mr. DEWINE. Mr. President, if there is no further business to come before the Senate, I now ask that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 5:42 p.m., adjourned until Thursday, May 1, 1997, at 10:30 a.m.

CONFIRMATION

Executive nomination confirmed by the Senate April 30, 1997:

DEPARTMENT OF LABOR

ALEXIS M. HERMAN, OF ALABAMA, TO BE SECRETARY OF LABOR.

THE ABOVE NOMINATION WAS APPROVED SUBJECT TO THE NOMINEE'S COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.