The Senate met at 8:30 a.m. and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

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

Gracious God, we begin this day by making the psalmist’s prayer our moment by moment petition: “Teach me to do Your will, for You are my God.”—Psalm 143:10. Remind us that discovering and doing Your will is not like flying on automatic pilot where we turn on the flight plan and forget about it. Instead, it is a sensitive, attentive relationship with You in which You communicate Your guidance to receptive minds each step of the way. You lead us when we concentrate all our desires on clearly knowing what is Your will for us. Our yearning to know Your will drives us back into deeper fellowship with You. We want to be spiritually fit so that no debilitating memory, broken relationship, or unforgiven hurt would render us incapable of receiving Your guidance.

Bless the Senators as they seek Your best for America in vital issues and in minute details lest real concerns are trivialized and minutia becomes momentous. In the Name of our Lord and Savior. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

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

Mr. DOMENICI. I thank the Chair.

Mr. REID. Will the Senator yield for a unanimous consent request?

Mr. DOMENICI. Yes.

PRIVILEGE OF THE FLOOR—S. CON. RES. 86

Mr. REID. Mr. President, I ask unanimous consent that congressional fellow Scott Conroy be given floor privileges during the pendency of action on the budget resolution.

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

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

SCHEDULE

Mr. DOMENICI. Mr. President, this morning the Senate will resume consideration of S. Con. Res. 86, the budget resolution, with the time until 9 a.m. equally divided on the Bumpers amendment relating to mines. At 9 a.m., by previous agreement, the Senate will proceed to a series of seven consecutive rollcall votes. The first two are in relation to two judicial nominations, the nominations of G. Patrick Murphy to be a U.S. district judge for the Southern District of Illinois and Michael P. McCuskey, of Illinois, to be U.S. district judge for the Central District of Illinois. The remaining five votes are on or in relationship to amendment No. 2218, Senator DORGAN’s amendment relating to the Tax Code; amendment No. 2170, an Allard amendment regarding Federal debt; amendment No. 2195, a Lautenberg amendment on environmental programs; amendment No. 2213, a Bond amendment on housing; and then amendment No. 2228, a Bumpers amendment relating to mines.

It is hoped that during all of these votes Senators will contact the managers to inquire as to if their respective amendments may be accepted or if they require a vote on their amendment or perhaps indicate that they have decided to withdraw their amendment.

It is the intention of the majority leader to complete action on this measure as soon as possible. We ask all Senators to cooperate in that regard. Senators should be aware that today will be a busy schedule. Rollcall votes will be occurring throughout the day and into the evening, as necessary. In addition, Members are reminded that all consecutive rollcall votes are limited to 10 minutes in length. All Members’ cooperation is requested with reference to the timely manner of the disposition of each vote.

As a reminder to all Members, the first rollcall vote will occur at 9 a.m. this morning.


The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of S. Con. Res. 86, which the clerk will report.

The legislative clerk read as follows:

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

The Senate resumed consideration of the concurrent resolution.

Pending:

Allard amendment No. 2170, to require the reduction of the deficit, a balanced Federal budget, and the repayment of the national debt.

Conrad (for Boxer) modified amendment No. 2171, to increase Function 500 discretionary budget authority and outlays to accommodate an initiative promoting after-school education and safety.

Brown amendment No. 2177, to express the sense of the Senate regarding economic growth, social security, and Government efficiency.

Smith (Oregon) amendment No. 2179, to express the sense of the Senate on Social Security taxes.

Smith (Oregon) amendment No. 2180, to express the sense of the Senate with respect to the use of marijuana for medicinal purposes.

Smith (Oregon) amendment No. 2181, to express the sense of the Senate concerning increases in the prices of tobacco products.

Kennedy amendment No. 2183, to express the sense of the Senate concerning the enactment of a patient’s bill of rights.

Kennedy amendment No. 2184, to increase Function 500 discretionary budget authority and outlays to accommodate innovation in tax reform efforts in urban and rural school districts.

Kennedy amendment No. 2185, to express the sense of the Senate regarding a report of the Secretary of Health and Human Services evaluating the outcomes of welfare reform.

Wellstone/Moynihan amendment No. 2187, to express the sense of the Senate regarding a report of the Secretary of Health and Human Services evaluating the outcomes of welfare reform efforts in urban and rural school districts.

Lautenberg amendment No. 2188, to provide additional funds for medical care for veterans.

Thurmond amendment No. 2191, to clarify outlay levels for major functional categories.

Thurmond amendment No. 2192, to clarify outlay levels for national defense.

Lautenberg amendment No. 2194, to express the sense of the Senate to ensure that the tobacco reserve fund in the resolution may be used to protect the public health.

Lautenberg amendment No. 2195, to establish a deficit-neutral reserve fund for environmental and natural resources.

Lautenberg (for Kohl/Reid) modified amendment No. 2204, to express the sense of the Senate regarding the establishment of a national health security check system for long-term care workers.

Reid/Bryan amendment No. 2206, to express the sense of the Senate that the landowner incentive program included in the Endangered Species Recovery Act should be financed from a dedicated source of funding and that public lands should not be sold to fund the landowner incentive program of the Endangered Species Recovery Act.

Domenici (for Hutchison) amendment No. 2208, to express the sense of the Senate that any budget surplus should be dedicated to debt reduction or direct tax relief for hard-working American families.

Lautenberg (for Jaffords/Jeffords) amendment No. 2212, to express the sense of the Senate on battlefield preservation.

Bond/Mikulski modified amendment No. 2213, to express the sense of the Senate that the Elderly Housing program shall be funded at not less than the fiscal year 1998 funding level.

Kerrey amendment No. 2215, to express the sense of the Senate regarding passage of the IRS Restructuring and Reform Act of 1997.

Murray amendment No. 2216, to increase Function 500 discretionary budget authority and outlays to accommodate both Adminstration investments in education and the $2.5 billion increase assumed by the resolution for IDEA.

Murray amendment No. 2217, to express the sense of the Senate regarding the expansion of Medicare benefits.

Dorgan modified amendment No. 2218, to strike section 301 of the concurrent resolution.

Lungren amendment No. 2219, to express the sense of the Senate regarding the sunset of the Internal Revenue Code of 1986, and replace it with a section expressing the sense of Congress that important tax incentives such as those for encouraging home ownership and charitable giving should be retained.

Dorgan amendment No. 2219, to establish a reserve fund at the National Institutes of Health, funded by receipts from tobacco legislation.

Biden amendment No. 2220, to permit the use of Federal funds to reimburse the Veterans Administration for the costs of treating smoking-related illnesses.

Kyl amendment No. 2221, to express the sense of Congress that the social security system of the United States should be retained.

Domenici (for Grams) amendment No. 2222, to use any budget surplus to reduce payroll tax and establish personal retirement accounts for hard-working Americans.

Bingaman/Lieberman amendment No. 2223, to establish a deficit-neutral reserve fund for civilian research and development.

Feingold amendment No. 2224, to establish a disability reserve fund.

Domenici (for DeWine) amendment No. 2225, to state the sense of the Senate regarding the quality of teachers.

Lautenberg (for Rockefeller) amendment No. 2226, to revise outlays and new budget authority for transportation (400) programs and allowances (920), and to strike those provisions with regard to outlays and new budgets for transportation authority, function 700, Veterans Benefits and Services.

Lautenberg (for Conrad) amendment No. 2227, to express the sense of the Senate to ensure that the tobacco reserve fund in the resolution may be used to strengthen social security.

Lautenberg (for Bumpers) amendment No. 2228, to provide for funding to help the states comply with the Individuals with Disabilities Education Act by eliminating an unjustified tax loophole.

Lautenberg (for Feinstein) amendment No. 2229, to express the sense of the Senate on education goals.

Lautenberg (for Kerry) amendment No. 2230, to ensure that tobacco reserve fund in the resolution protects tobacco farmers.

Lautenberg (for Wellstone) amendment No. 2231, to express the sense of the Senate supporting a super-majority requirement for raising taxes.

Domenici amendment No. 2232, to state the sense of Congress regarding long-term care needs.

Brownback amendment No. 2177, to express the sense of the Senate regarding the value of the social security system for future retirees.

Lautenberg (for Durbin) amendment No. 2241, to express the sense of Congress regarding the right to affordable, high-quality health care for seniors.

Lautenberg (for Dorgan) amendment No. 2246, to express the sense of the Senate on ensuring social security solvency.

Lautenberg amendment No. 2247, to express the sense of Congress that the Congress and the Administration should fulfill the intent of the Amtrak Reform and Accountability Act of 1997 and appropriate sufficient funds in each of the next five years to enable Amtrak to implement its Strategic Business Plan, while preserving the integrity of the $3.2 billion provided under the Taxpayer First Act for the statutory purpose of capital investment.

Bingaman amendment No. 2248, to express the sense of Congress that the Balanced Budget Act should be amended to facilitate the use of future unified budget surpluses to strengthen and reform social security, thereby reducing the tax burden on middle-class families.

Lautenberg amendment No. 2256, to express the sense of the Senate that the Committee on Finance should consider legislation to preserve social security and ensure its long-run solvency; and that no options affecting the financing of revenues, or the manner of investment of funds, should be excluded from consideration.

Domenici (for Bond) amendment No. 2258, to express the sense of Congress that the Immigration and Naturalization Service circuit courts in the former Soviet Union.

Domenici (for Abraham) amendment No. 2259, to express the sense of Congress that the Budget Act should be amended to facilitate the use of future unified budget surpluses to strengthen and reform social security, thereby reducing the tax burden on middle-class families.

Lautenberg (for Thurmond) amendment No. 2259, to express the sense of the Senate regarding long-term civilian science and technology budget trends.

Lautenberg (for Bingaman) amendment No. 2260, to express the sense of the Senate regarding long-term civilian science and technology budget trends.

Lautenberg (for Kerrey) amendment No. 2262, to express the sense of the Senate on long-term Federal budgeting and the repayment of the public debt.

Lautenberg (for Moosley-Braun) amendment No. 2263, to express the sense of the Senate regarding long-term Federal budgeting and the repayment of the public debt.

Lautenberg (for Kerrey) amendment No. 2264, to express the sense of the Senate regarding the value of the social security system for future retirees.

Lautenberg (for Durbin) amendment No. 2265, to express the sense of Congress regarding the right to affordable, high-quality health care for seniors.
Mr. BUMPERS. I yield myself 5 minutes.

Colleagues, not long ago we debated what we called unfunded mandates to the cities and States of the country. A lot of tears were shed on this floor, because we were imposing all sorts of obligations on the cities and the counties and the States and making them pick up the tab for it. I am here this morning to tell you about the biggest unfunded mandate of all.

In 1975, the Senator from Arkansas and the whole House—passed what is called the Individuals with Disabilities Education Act, IDEA, and we said in 1975 in the legislation that we wanted disabled children taken care of and that we would pay 40 percent of the cost. Twenty-three years later we are paying 9 percent of the cost.

The schools of this Nation have been literally bankrupting themselves to make up the difference. You are talking about billions of dollars that the United States Government obligation to pay and has reneged on.

Having said that, let me tell you about the most unwarranted tax loophole in the Nation, and it is called a depletion allowance. It goes to the oil companies, the natural gas companies. It goes to coal companies. And it goes to people in the mining industry who hardly paid a red cent for the gold, silver, platinum, palladium, zinc, copper—you name it—that they take off Federal lands.

I stand here on this floor—this is about the 8th or 9th year—and everybody knows the arguments. Everybody knows that it is the biggest ripoff going on in America today. And you talk about—you talk about—doing away with the Internal Revenue Code and betting on the come that somehow or other we will get a new revenue code before this one expires—listen to this.

You go down to the Gulf of Mexico and you bid high or low, and you get $2.50 for your land. And you get a completion allowance because they paid $1 million and palladium under a 2,000 acre tract, to establish a prohibition on precariously language on budget resolutions.

Mr. GREGG. If I could have that.
We all know that this administration has, regrettably, underfunded special education in its budget. We have attempted to correct that in the Republican budget, but we haven’t gotten as far as we need to go. Thus this opportunity to put an additional revenue stream into education is extraordinarily important. It means that kids who are in the special needs program, who are today being pushed into a position with other kids who are not in special needs programs over a confrontation of resources, will be put in less of a situation which is detrimental to them.

The Federal Government committed to pay 40 percent of the costs of the special needs child. As a result of Republican initiatives, we have gotten from a 6 percent level to a 9.5 percent level, but we are still well short of the 40 percent commitment. This amendment by the Senator from Arkansas will help us move another step toward that 40 percent commitment. It will help relieve local taxpayers who are paying the Federal share of the tax burden of supporting special needs children from having to pay the difference between 9.5 percent and 40 percent, or some percentage.

So, essentially, the proposal of the Senator from Arkansas is right on two counts. First, it is right on the concept of eliminating the depletion allowance because there is absolutely no justification for a depletion allowance whereby you essentially nothing for the lands they are mining and the land is owned by the public. Secondly, it is right because it will help special needs children and it will start to fulfill or assist in fulfilling the obligation of the Federal Government to fund the 40 percent share which we said we would fund when we started this program.

It is a good amendment. I strongly support it.

Mr. DOMENICI. Mr. President, we have five Senators who will split time, 3 minutes each. We will not use all of our time, but we will start with Senator Craig, 3 minutes.

Mr. CRAIG. Mr. President, I will correct some misimpressions that may have been unintentionally offered here on the floor of the Senate. I think it is helpful to put this in some context.

This proposal, which has been offered by the Senator from Arkansas on previous occasions, was in my idea never a good idea, but now the timing could not be worse because the status of at least one aspect of that industry, the gold industry in my State, is facing some very critical times. The interplay of resource prices and markets of the world has dropped precipitously, substantially below $300 an ounce. The break-even cost in the gold industry is approximately $296, so in my own State of Nevada, which leads the Nation and is one of the largest gold-producing areas in the world, we have had just in the last year more than 2,000 layoffs and a substantial number of mines that have closed, and the spot price of gold has been as low as $283 an ounce. So this is a very, very difficult time for the mining industry.

The proposal offered by the Senator from Arkansas would, indeed, have a catastrophic impact upon the industry, and it would have a serious impact upon thousands of people in my own State. About 120,000 people in America work directly in the hardrock mining industry. In the State of Nevada, more than 15,000 have been employed at the high-level mark before these layoffs occurred, and clearly, every job lost is a job that we will have to replace. That is higher by far than any other industry.

Finally, let me conclude by saying that the impression given that somehow the mining industry gets a free ride, doesn’t have to pay any taxes, could not be further from the truth. The Natural Mining Association last year estimates that over $600 million in Federal taxes was paid. According to a recent GAO report, the average tax burden for the mining industry from 1987 to 1992 was 35 percent. That is compared with other industries: the auto industry, 23 percent; chemical industry, 19 percent; 33 percent for the transportation industry. In my own State, the gold industry paid more than $141 million in State and local taxes in 1995, including $32.7 million in property taxes.

I note my time has expired. I yield the floor.

Mr. President, we have five Senators who will split time, 3 minutes each. We will not use all of our time, but we will start with Senator Craig, 3 minutes.

Mr. CRAIG. Mr. President, let me say first to the Senators from Arkansas and Nevada, this has been one of the most gratuitous taxes on the mining industry you have yet come up with.

Let me be blunt, let me be honest: Every citizen benefits from the wealth of the products that flow from mining, and certainly disabled Americans have benefited considerably from light metal technology and advanced computer technology that depends on our mining industry. It has made them mobile. It has made them active. It has changed their lives.

The Senator from New Hampshire knows better than to say that mining industries don’t pay taxes. They are in the 32 percent bracket on the profits of those industries. Everyone knows that, and that kind of statement ought to be taken from the record because it simply is not true.

What is true is that the mining industry is currently one of relatively rare, commercially valuable mineral deposits and mineral deposits. There is high economic risk, geologic unknowns, high capital requirements, and long lead times for the development of the mining companies. We know that, and that is why this Congress, provided that depletion allowance, because mining industries invest so much upfront for a resource that is rapidly depleting as they mine it out.

It recognizes, by this action and by what Congress has already done, unique natural mineral extraction provides for this country the valuable base for our industrial-based economy. It is difficult to replace minerals. Much of the money must be used for exploration of the mines and in some cases millions of dollars upfront, like no other industry that we have seen, only to play in a market that is oftentimes dramatic, in a world market with changing values, and as a result there are dramatic, in a world market with changing values, and as a result of the revenue dramatic profits. But the one thing that is clear and constant across it is a recognition of the constant use or the depletion of the resource that they have discovered.

I am disappointed that the Senator from Arkansas would try to offset this against disabled people. It just simply doesn’t make sense. This Congress has been tremendously responsive to disabled people—the Senator from Arkansas has, the Senator from Idaho and New Hampshire and all of us—and now to play this kind of gratuitous game simply doesn’t make a lot of sense.

Mr. DOMENICI. I yield to the Senator from Nevada, Senator BRYAN.

Mr. BRYAN. Mr. President, I will correct some misimpressions that may have been unintentionally offered here on the floor of the Senate. I think it is helpful to put this in some context.

This proposal, which has been offered by the Senator from Arkansas on previous occasions, was in my idea never a good idea, but now the timing could not be worse because the status of at least one aspect of that industry, the gold industry in my State, is facing some very critical times. The interplay of resource prices and markets of the world has dropped precipitously, substantially below $300 an ounce. The break-even cost in the gold industry is approximately $296, so in my own State of Nevada, which leads the Nation and is one of the largest gold-producing areas in the entire world, we have had just in the last year more than 2,000 layoffs and a substantial number of mines that have closed, and the spot price of gold has been as low as $283 an ounce. So this is a very, very difficult time for the mining industry.

The proposal offered by the Senator from Arkansas would, indeed, have a catastrophic impact upon the industry, and it would have a serious impact upon thousands of people in my own State. About 120,000 people in America work directly in the hardrock mining industry. In the State of Nevada, more than 15,000 have been employed at the high-level mark before these layoffs occurred, and clearly, every job lost is a job that we will have to replace. That is higher by far than any other industry.

Finally, let me conclude by saying that the impression given that somehow the mining industry gets a free ride, doesn’t have to pay any taxes, could not be further from the truth. The Natural Mining Association last year estimates that over $600 million in Federal taxes was paid. According to a recent GAO report, the average tax burden for the mining industry from 1987 to 1992 was 35 percent. That is compared with other industries: the auto industry, 23 percent; chemical industry, 19 percent; 33 percent for the transportation industry. In my own State, the gold industry paid more than $141 million in State and local taxes in 1995, including $32.7 million in property taxes.

I note my time has expired. I yield the floor.

Mr. President, I am very pleased to join with my friend, the Senator from Arkansas, and my friend, the Senator from New Hampshire, in offering an amendment that enables States to comply with the IDEA program.

Mr. President, I promised to hold a town meeting or listening session in each of Wisconsin’s 62 counties each year of my first term as a Senator. At these meetings I very frequently hear from both parents and school officials talking about the merits of the IDEA program. They struggle to meet the high costs of disabled education and need additional Federal funding for the program. Of course, this amendment, and others, would help meet all of these needs. However, it will finally provide some deserved relief for this deserving constituency.

The funds our amendment provides for the IDEA program are derived, as the Senator from Arkansas has indicated, from the elimination of the percentage depletion allowances tax deduction for companies mining on U.S. public lands. What this does is simply close an outdated subsidy that contributes to environmental degradation. We applaud the 15 States providing for our Nation’s disabled youth by using some of these funds that are going for tax loopholes.
Mining companies have a special percentage depletion tax deduction that they can take which other companies can’t receive. Under percentage depletion, the deduction for recovery of a company’s investment is a fixed percentage of “gross income” namely, sales price of the minerals at the point of sale less any other deductions. This percentage is specifically defined in the Tax Code, and under this method total deductions may exceed the capital that the company actually invested.

The rates for percentage depletion are quite significant. Section 613 of the U.S. Tax Code contains depletion allowances for more than 70 metals and minerals at rates ranging from 10 to 22 percent.

In today’s budget climate, we are faced with the question of who should bear the costs of exploration, development and production of natural resources. The question is, should it be all taxpayers or the users and producers of the resource?

Given that we face significant constraints in funding other budget priorities such as the IDEA program, these subsidies are really nothing more than a tax expenditure that shifts a greater tax burden to other taxpayers to pay for the IDEA program to compensate for the special tax breaks provided to the mining industry.

I am delighted to join with the other Senators in this very appropriate shifting of our priorities.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. DOMENICI. I yield 3 minutes to Senator Reid of Nevada.

Mr. REID. Mr. President, schools are helped every day by mining. Mining pays taxes that provide all types of things for education. It takes millions and millions of dollars to find the minerals that are hidden in the ground. You can’t just walk out and say, here, I am going to dig a gold mine or find copper here. It takes millions to find these minerals.

The United States is a net exporter of gold. It was only 10 or 12 years ago we were here on the Senate floor and throughout the country telling people we need to do things so that we can become a net exporter, especially of minerals. At that time we were depending on South Africa, which was in deep trouble, and the former Soviet Union. We are now an exporter of many of the minerals we weren’t just a few years ago. That is good.


Mr. President, it is not only Nevada experiencing these headlines. Yesterday, in the paper—I wish it were an April Fools’ joke; it isn’t—“Arizona Gold Mining Companies Lose Their Jobs as Copper Prices Fall.” The United States mineral industry is suffering significantly and when the mineral industry suffers so does the rest of the economy.

Here is from one newspaper’s AP story. “And the ripple effect of layoffs at Newmont Gold has spread to Carlin. Even some of the service industries are starting to feel this.”

Another newspaper article. “Homestake Mining Reports ’97 Loss of $168.9 million. Homestake laid off its nearly 500 strong work force while re-structuring is under way and still isn’t saying how many of those will be re-hired according to spokesperson Steeves.”

The mining industry is suffering significantly. They are doing their best to hang on to maintain employment. The loss of one million jobs in the entire Western United States are mining jobs. Thousands of people are being laid off. Gold prices are at an 18-year low. And now we are being told that they are pigs, that they are using all of the benefits. The fact is thousands of people have good jobs because of mining.

The PRESIDING OFFICER. Who yields time?

Mr. DOMENICI. I wonder if Senator Bumpers might not object to a request that we each have 1 additional minute. Mr. BUMPERS. Not at all.

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

Mr. DOMENICI. I pose that question. The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. DOMENICI. Would Senator Thomas like to speak for 1 minute?

Mr. THOMAS. Yes. I thank the Senator from Alaska.

I simply want to join my friends in opposition to this amendment, for two reasons. One is that the basic facts that we set out here are not valid. More importantly, this is not the place to do that. We have been dealing with things like mining reform, and we ought to do that and we can do that. Unfortunately, to some here it is either their way or the highway, so it never happens. But this is not the place. I rise in opposition to this amendment. I thank the Senator from Alaska.

The PRESIDING OFFICER. Who yields time?

Mr. DOMENICI. I yield 3 minutes to the chairman of the Energy Committee, Senator Murkowski.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. MURKOWSKI. I thank the Chair.

Mr. President, let’s be sure we understand each other. The budget resolution before us already provides a $2.5 billion increase for the IDEA program, that is, individuals with disabilities, and it does so without raising taxes and creating a new entitlement program. The Senator from Alaska is aware of that.

I strongly urge my colleagues to join with me and defeat Senator Bumpers’ amendment.

One more time. Do not be fooled. This budget resolution already provides a $2.5 billion increase for the IDEA program without raising taxes and creating a new entitlement program. So I encourage my colleagues to recognize what this is. It is a $311 million tax on our mining industry that is going to cause a job loss, and we are going to be more dependent on imported metals.

The PRESIDING OFFICER. Who yields time?

Mr. BUMPERS. How much time do I have remaining?

The PRESIDING OFFICER. The Senator from Arkansas has 5 minutes and 44 seconds.
Mr. BUMPERS. I yield myself such time as I may use.

Mr. BUMPERS. Mr. President, isn’t it wonderful that the hard rock mining companies don’t pay taxes? Isn’t that just remarkable? We give them billions of dollars’ worth of minerals for $2.50 an acre, and we allow them to create environmental disasters, we allow them to take the minerals and not pay one dime in royalty, and they are not subject to pay any taxes. Isn’t that just wonderful? We right now are getting about 50 percent as much for their oil as they got a year ago, not only have to pay billions for the rights to drill for oil on Federal lands, but they also have to pay royalties. And they pay taxes. If somebody walked in here and made the argument that was just made about the fact that mining companies pay taxes, if somebody made the suggestion that oil companies not pay taxes, you would be laughed out of that door. If the same argument was made about companies who pay zillions just for the right to take the coal and a 12.5 percent royalty, and if we suggested that they not have to pay taxes, you would be laughed out of the door.

What about the rock mining industry? We give them billions of dollars’ worth of gold, silver, platinum, palladium; they create environmental disasters; they don’t pay a dime in royalties; they take a depreciation allowance on top of that of 15 to 12 percent; we give it to them and then pay them to take it. The children of this Nation—we give 9 percent to the school district to take care of disabled children. I can tell you who is going to win in this battle here today. It isn’t going to be the disabled children, it is going to be the same people who have won for the last 8 years, as I presented it. It will be the mining companies. They will take Federal lands for nothing. They will continue to get a depletion allowance to mine it. They will continue not paying Uncle Sam one dime in royalty. If they come to your house and say, “You have this tract of land out back loaded with gold, and we would like to mine it,” do you know what they are willing to pay? Eighteen percent royalty. But they come to the U.S. Government and say, “You have this tract of land that has gold on it.” We say, “Oh, really? Please take a look.” Please take a look at an environmental disaster to the tune of $76 billion for the taxpayers to clean up. Please don’t pay us any royalty. We do need a few billion dollars more for disabled children, but not from you.

One of these days, the people of this country are going to rise up in righteous indignation when it finally soaks in on the American people what is going on in this industry and how Congress is aiding and abetting one of the biggest scams in the history of the world.

Colleagues, when you walk in here to vote today, look at that chart. You have a choice of removing an unjustified tax loophole that is not available to anybody else—nobody else. You can remove it from the biggest mining companies in the world—not the United States, in the world—and give it to the disabled children of this country. We have been waiting for us to fulfill a 23-year promise to provide 40 percent of the cost of taking care of disabled children. So far, we have paid the paltry sum of 9 percent. I yield the floor and save remainder of my time.

The PRESIDING OFFICER. Who yields time?

The Senator from New Mexico has 3 minutes 14 seconds remaining.

Mr. DOMENICI. Mr. President, many of us have heard people say, “Kick them when they’re down.” I guess we all recall when we were in high school. If you went to a high school football game, the cheerleaders would say, “Hit them again. Hit them again, harder, harder.” Mr. President, the mining industry in the United States led by the copper industry is in a deplorable economic state. As a matter of fact, copper is down 30 percent. Already in America, copper mines have been closed. All mineral resources in the world are down substantially. Oil production in the United States is down. Stripper wells are going out of business rapidly. We are more and more dependent upon foreign sources for our mineral resources, and for our oil. Frankly, the GAO tells us that the mining industry pays an enormously high tax. In fact, the study says on average they pay 22 percent of the income. They already contribute $14 billion to the Federal Government in revenues.

Mr. President, it is obvious that this amendment will cause more disrepair in the industry, fewer jobs, laying off people. In fact, we might call it the “Unemployed Miner Act.”

Second, in terms of money for disabled young people, let me first say the budget before us has $2.35 billion in new money for IDEA, for the disabled young people of our country. We think that is a very, very significant add-on when the President only put a few million dollars in his. We think it is the right place to put the money. We have already put it in our budget. We don’t need to destroy the mining industry in order to live up to our responsibility under IDEA and to disabled children. We found the money to do it in our budget.

It seems to me that to pick one tax, one deduction, the depletion allowance, and from that assume that the mining industry, coal mining and all the others, are not paying any Federal taxes is an absolute gross exaggeration, if not an untruth. As far as environmental degradation, since we have had environmental laws, our mining companies are not causing environmental degradation. They are bound by every single environmental law of this land. And a statement that they are polluting today is also a gross exaggeration, if not truly an untruth.

When time is all yielded, I will move to table and ask for the yeas and nays. The PRESIDING OFFICER. The Senator from Arkansas has 1 minute 25 seconds.

Mr. BUMPERS. Mr. President, how much time do the opponents have?

The PRESIDING OFFICER. The time of the Senator from New Mexico has expired.

Mr. BUMPERS. Mr. President, I will not belabor this any further. Everybody knows the argument. It is just a question of whether you are willing to do right or not. We are mining $2 billion worth just in gold a year off Federal lands that we have given the mining companies—gave them. They pay no royalty. They didn’t pay anything for it. I forget who it was who talked about how valuable minerals were. Eighty percent of the gold mined in this country goes for jewelry. And we are willing to subsidize that to the tune of hundreds of millions of dollars a year when we have disabled children in school waiting for us to fulfill a promise? It is just astounding. I yield the remainder of my time and ask for the yeas and nays.

Mr. DOMENICI. Mr. President, I move to table the Bumpers amendment, and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second on the motion of the Senator from Arkansas?

There is a sufficient second.

The yeas and nays were ordered.

Mr. DOMENICI. Is there a sufficient second on the motion to table?

There is a sufficient second.

The yeas and nays were ordered.

EXECUTIVE CALENDAR

EXECUTIVE SESSION

The PRESIDING OFFICER. Under the previous order, the hour of 9 a.m. having arrived, the Senate will now go into executive session to consider Calendar Nos. 461 and 462.

The first nomination will be stated.

NOMINATION OF G. PATRICK MURPHY, OF ILLINOIS, TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF ILLINOIS

The assistant legislative clerk read the nomination of G. Patrick Murphy, of Illinois, to be United States District Judge for the Southern District of Illinois.

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

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.
Ms. MOSELEY-BRAUN. Mr. President, I rise today in strong support of two outstanding judicial nominees from my state of Illinois, G. Patrick Murphy and Michael P. McCuskey.

It is therefore appropriate that I also say a word about the federal judiciary. This accounts for approximately 5 percent of all judges in the federal system. Thirty of the vacancies have been in existence for 18 months or longer and are therefore regarded as “judicial emergencies.”

Illinois presently has seven vacant judgeships. One of these, in the U.S. District Court for the Southern District of Illinois, dates back to November of 1992. Another, in the Central District, dates back to October of 1994. Two of the nominees for these vacancies were nominated by the Senate Judiciary Committee and two will be confirmed today by the full Senate. In the Southern District, the chief judge went for more than a year without having time to hear a single civil case because his criminal docket was so full. In the Central District, major civil trials have had to be postponed because of the shortage of judges. Commenting on the imminent retirement of a third judge in his district, Marvin Aspen, the chief judge of the Northern District, recently said, “The situation in the Southern and Central Districts of Illinois is dire. There are four judgeships in the Southern District, and 2 of them are vacant, a vacancy rate of 50%, which is much higher than the nationwide rate of 10%.”

There are four judgeships in the Southern District, and 2 of them are vacant, a vacancy rate of 50%, which is much higher than the nationwide rate of 10%. The Central District, major civil trials have had to be postponed because of the shortage of judges. Commenting on the imminent retirement of a third judge in his district, Marvin Aspen, the chief judge of the Northern District, recently said, “The situation in the Southern and Central Districts of Illinois is dire. There are four judgeships in the Southern District, and 2 of them are vacant, a vacancy rate of 50%, which is much higher than the nationwide rate of 10%.”

As one Illinois senator has pointed out, there is no question of their qualifications: both were unanimously recommended by the Judiciary Committee in November.

Mike McCuskey was born in Peoria, and has served as a state court judge for the last nine years. Prior to attending law school, he taught high school history, and coached baseball. He worked his way through law school as a janitor and has an outstanding reputation as an outstanding jurist, fair, firm and thorough. He is also known for his community service, such as reading to grade school children and emceeing senior citizen activities at the Cody P-A-L.

Pat Murphy was born in Marion, Illinois. He attended college and law school with the help of the GI Bill. After both of his parents died, he helped raise his four younger siblings, although, as he puts it, they all raised each other. Mr. Murphy has extensive legal experience, with over 100 jury trials and 200 bench trials under his belt. The first year he was elected, he had the largest trial load at the prestigious American College of Trial Attorneys. He has a sterling reputation among all who have worked with him or against him. He is also known for his generosity to veterans, giving pro bono representation to any veteran who asks for help.

As both of these nominees have languished on the Senate calendar, the delay has taken its toll on their personal lives. Several weeks ago, Judge Murphy was ill and had to move into his new house without working on his current state court job. Last year he signed a housing contract, which was finalized in March. Since he entered the contract, the rules of residency for a state court judge changed. This confirmation vote comes just in time for him. He can now move into his new house without worrying about losing his state court judgeship. If this confirmation vote did not come today, he would have been forced to default on his contract. Pat Murphy is a solo practitioner. He has been unable to predict his ability to continue to represent clients. Yet, he had to make a living over the last one hundred and fifty days.

The situation in the Southern and Central Districts of Illinois is dire. There are four judgeships in the Southern District, and 2 of them are vacant, a vacancy rate of 50%, which is much higher than the nationwide rate of 10%. The Central District, major civil trials have had to be postponed because of the shortage of judges. Commenting on the imminent retirement of a third judge in his district, Marvin Aspen, the chief judge of the Northern District, recently said, “The situation in the Southern and Central Districts of Illinois is dire. There are four judgeships in the Southern District, and 2 of them are vacant, a vacancy rate of 50%, which is much higher than the nationwide rate of 10%.”

The vacancy rate in the Central District is much higher than the nationwide rate of 10%. This situation has been exacerbated by the protracted nature of the process. For instance, last September, Justice Richard P. Goldenhersh of the U.S. District Court for the Southern District of Illinois—a crisis that is evident throughout our nation. The Senate has done lately, is cowardly and cynical.

Worse yet, it is affecting the quality of justice in the United States. The increase in the number of judicial vacancies in combination with the growth in criminal and civil filings has created a huge backlog of federal cases. According to Chief Justice Rehnquist, since 1990, the number of cases filed in courts of appeals has increased by 21 percent and those cases have grown by 24 percent. There was a five percent increase in the criminal caseload in 1997. This resulted in the largest federal criminal caseload in 60 years.

According to the Administrative Office of the U.S. Courts, the number of active cases pending for at least three years rose 20 percent from 1995 to 1996. In 1997, Federal courts handled a record number of cases. Bankruptcy filings increased by an unprecedented 15 percent. Criminal cases increased for the fourth consecutive year, and criminal case-loads were more crowded than at any time in the last 60 years. According to the most recent data provided by the Department of Justice, there are more than 16,000 federal cases that are more than three years old.

Time magazine wrote last year that “some Republicans have as much as declared war on [President] Clinton’s choices, parsing every phrase they’ve written for evidence of what they call judicial activism.” This has discouraged qualified candidates from subjecting themselves to the confirmation process. For instance, last September, Justice Richard P. Goldenhersh of the Illinois Court of Appeals, withdrew his name from consideration for a federal judgeship, stating that, because of the “poisoned atmosphere of the confirmation process, my nomination would be perceived as a confirmation of a crisis in Illinois—a crisis that is evident throughout our nation.” He stated that the protracted nature of the process was particularly unfair to the people of the Southern District of Illinois, who deserve a fully staffed court ready to hear their cases.

In condemning President Clinton’s judicial nominations, one of my Republican colleagues described the judicial branch last year as being full of “reNegade judges, [who are] a rabid, contemptuous intellectual elite.” And in explaining why the confirmation of a California appeals court judge had been delayed for two years, a senior member of the Republican majority stated, “If
you want to blame somebody for the slowness of approving judges to the Ninth Circuit, blame the Clinton and Carter appointees who have been ignoring the law and are true examples of activist judges.’’

The President’s record of judicial appointments belies any assertion that he has sought to stack the federal judiciary with the types of judges referred to by my colleagues. The New York Times noted last year that ‘‘a year in the life’’ of Clinton’s judicial appointments may be reluctant to fill the court with liberal judges.’’ The Times noted that a statistical analysis by three scholars ‘‘confirms the notion that the ideology of Clinton’s appointees falls somewhere between the conservatives selected by [Presidents] Bush and Reagan and the liberals chosen by President Carter.’’ The Times quoted an author of the study, Professor Donald Songer of the University of South Carolina, as stating that Clinton’s appointments were ‘‘decidedly less liberal than other modern Democratic presidents.’’ Professor Songer added that from an ideological standpoint, President Clinton’s judges were most similar to judges selected by President Ford.

Republican members of the Senate thus cannot claim that they are safeguarding the judiciary from liberal jurists. Indeed, it is they who, in the words of Time magazine, are currently engaged in ‘‘what has become a more partisan and ideological examination of all judicial nominees. As more and more Republicans, especially from the South, have lined up to voice their mistrust of Clinton nominees, Senate Majority Leader, Mr. LEAHY, stated last September, the ‘‘continuing attack on the judicial branch [by Republican Members of Congress], the slowdown in the process of confirming the scores of good women and men, the President has nominated to fill vacancies on the Federal courts around the country, and widespread threats of impalement [against federal judges] are all part of a partisan ideological effort to intimidate the judiciary.’’

Mr. President, Chief Justice Rehnquist has called the independence of the judiciary ‘‘the crown jewel of our system of government.’’ Our courts are revered around the globe precisely because of their ability to administer justice impartially and without regard to the prevailing political climate. Republicans in Congress are seeking to undermine judicial independence and freedom of action. A key element of their strategy has been to put a choke hold on the process of confirming nominees sent by President Clinton. This state of affairs must not be allowed to continue. As Chief Justice Rehnquist has stated, ‘‘The Senate has a serious obligation to confirm any particular nominee, but after the necessary time for inquiry it should vote him up or down.’’ Let the Senate heed the words of the Chief Justice and commit itself to enabling the federal judiciary to do its duty. The Supreme Court, our framers proclaimed, the guardian of our liberty and the guarantor of equal justice under the law. The Chief Justice of the United States Supreme Court has called judicial vacancies ‘‘the most immediate problem we face in the federal judiciary.’’ There is no justification for the Senate’s delay in considering these two fine nominees for Districts suffering from judicial emergency vacancies.

I have urged those who have been stalling the consideration of the President’s judicial nominations to reconsider and to work with us to the Judiciary Committee and the Senate to allow this confirmation hearing to proceed. Those who delay or prevent the filling of these vacancies must understand that they are delaying or preventing the administration of justice. Courts cannot try cases, incarcerate the guilty or resolve civil disputes without judges.

Last week the Chief Judge of the Second Circuit Court of Appeals certified that the persisting vacancies on that Court require him to certify an emergency situation and to begin canceling hearings and proceedings for only one Second Circuit Judge on certain 3-judge appellate panels. There is a nominee for the Second Circuit on the Senate calendar awaiting Senate consideration, Judge Sonia Sotomayor. I came to the Senate floor last week to plead with the Republican leadership to proceed to consideration of the nomination of Judge Sonia Sotomayor to the Second Circuit. I renew that plea today and urge a vote on this nomination before the Senate adjourns for a 2-week recess. We should not go on recess while the Second Circuit needs action on nominees to alleviate a crisis.

The PRESIDING OFFICER. The question is, will the Senate advise and consent to the nomination of G. Patrick Murphy, of Illinois, to be United States District Judge for the Southern District of Illinois?

On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from North Carolina (Mr. HELMS) is necessarily absent.

I further announce that, if present and voting, the Senator from North Carolina (Mr. HELMS) would vote ‘‘yea.’’

The result was announced—yeas 98, nays 1, as follows:

[Roll Call Vote No. 61 Ex.]

YEAS—98

Abraham
Byrd
Dodd
Akaka
Campbell
Durbin
Allard
Chafee
Eliot
Ashcroft
Coats
Feinstein
Baucus
Collins
Ford
Bennett
Cohnen
Frank
Biden
Conrad
Glenn
Bingaman
Coverdell
Gorton
Bond
Cox
Grassley
Brownback
Dacey
Hagel
Burns
Domenici
Hagel
Breaux
D’Amato
Gramm
Brown
Daschle
Grams
Burns
Dodd
Gregg
Burns
Domenici
Hagel

Mr. LEAHY. Mr. President, I come to the floor to congratulate Senator DURBIN and Senator MOSELEY-BRAUN on finally, at long last, achieving a vote on the nominations of Patrick Murphy and Judge Michael McCuskey. The Senate from Illinois have had to labor long and hard just to reach this point. I know that Senator DURBIN did everything that he could think of to bring to the attention of the Republican leadership the need to consider and confirm these two judicial nominees. As many of you may know, the Senate calendar without action for the last six months. I, too, have spoken about the plight of the Federal courts in the Southern and Central Districts of Illinois more often over the last several weeks and months than I would like to remember.

We thank the Democratic Leader, Senator DASCHLE, for his efforts on behalf of these nominees and on behalf of achieving a vote. And I thank the Majority Whip, Senator LEAHY, for working through whatever problems existed on the Republican side of the aisle that have delayed these nominations from early November to the end of the last session and for the first three months of this new session.

It is long past time for the Senate to consider the nominations of Patrick Murphy and Judge Michael McCuskey. The Senate Judiciary Committee unanimously reported these two nominations to the full Senate on November 6, 1997—almost six months ago. Their confirmations are desperately needed to help end the vacancy crisis in the Federal District Courts of Illinois.

Pat Murphy is an outstanding judicial nominee. A decorated Marine, he has practiced law in the State of Illinois for 20 years as a trial lawyer and tried about 250 cases to verdict or judgment as sole counsel. During his legal career, Mr. Murphy has made an extensive commitment to pro bono service—dedicating approximately 20 percent of his working time to representing disadvantaged clients in his community.

Judge Michael McCuskey is also an outstanding judicial nominee. Judge McCuskey served as a Public Defender for Marshall County in Lacon, Illinois, for 8 years and has served as a State court judge for several years, first on the bench in the 10th Judicial Circuit and then on the Third District Appellate Court of Illinois. The American Bar Association recognized his stellar qualifications by giving Judge McCuskey its highest rating of well-qualified for this nomination.

The mounting backlogs of civil and criminal cases in the dozens of emergency districts, like the Southern and Central Districts of Illinois, are growing more critical by the day. Indeed, in the Southern District of Illinois, where Pat Murphy will serve when confirmed, Chief Judge Rehnquist has reported that his docket has been so burdened with criminal cases that he went a year without trying a civil case.
LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now return to legislative session.


The Senate continued with the consideration of the concurrent resolution.

AMENDMENT NO. 2218

The PRESIDING OFFICER. The pending amendment is Dorgan amendment No. 2218, on which there are 2 minutes of debate equally divided, with the Senator from North Dakota controlling 1 minute and the Senator from New Mexico controlling 1 minute.

The Senator from North Dakota is recognized.

Mr. DORGAN. Mr. President, the budget resolution contains a sense of the Senate that the Tax Code shall be sunnsetted at the end of the year 2001. It doesn’t provide what might be replacing that. It doesn’t suggest whether after the current Tax Code is sunnsetted there will be a VAT tax, a national sales tax; it just says sunset the Tax Code.

The chairman of the Finance Committee, Senator ROTH, says the following:

I believe that a comprehensive overhaul of the Tax Code should be in place before any action is taken to sunset the existing Tax Code.

The Tax Executives Institute, which represents thousands of corporations around the country, has said the same thing. It would be irresponsible to say let’s get rid of the Tax Code without telling people what they are going to put in its place. What do you say to somebody who is going to buy a home tomorrow and they expect their mortgage interest deduction is going to be—

Mr. FORD. Mr. President, may we have order?

The PRESIDING OFFICER. The Senator from Kentucky is correct. There will be order in the Senate.

Mr. FORD. I think the Senator from North Dakota should have some of his time back because nobody has heard him.

Mr. DORGAN. Mr. President, last evening, the Senator from New Mexico characterized the amendment as an amendment which supports the current Tax Code. It is a clever way to debate, I guess, what this amendment is about. I support reforming the current Tax Code. It is a clever way to debate, and to the President, let us get on with the Tax Code.

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

The Senator from New Mexico has 1 minute.

Mr. DOMENICI. Mr. President, could we have order?

The PRESIDING OFFICER. Please, could we have order in the body.

Mr. DOMENICI. Mr. President, I compliment the occupant of the Chair, the distinguished Senator from Kansas, and I compliment the distinguished Senator from Arkansas, Senator HUTCHINSON. They have given us an opportunity to see to it that we reform the Tax Code of the United States. It has been talked about for so long and nothing ever happens. They have devised a way where they are saying to the committees of the U.S. Congress, and to the President, let us get on with it. And here is the leverage: If you do not, we will not have a Tax Code in the year 2001.

I believe this is the only way you are going to get tax reform when those who are in charge of the job—with all the special interests gobbling them up—not wanting any change. I think the only way it will occur is if this sense-of-the-Senate proposal becomes law. It is not law today when we approve of it. It will become law when a committee sends a bill to the President. But we ought to go on record saying we want reform, we want major reform of a broken down code, and we want it soon, not 15 more years of debate.

If I have any additional time, I yield it.

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

Mr. HUTCHINSON addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas.
(A) removal of the statutory impediments to the Commissioner of Internal Revenue’s efforts to reorganize the agency to create a more streamlined, taxpayer-friendly organization; (B) the providing of real oversight authority for the Internal Revenue Service Oversight Board to help prevent taxpayer abuse; (C) the creation of a new Treasury Inspector General for Tax Administration to ensure independence and accountability; (D) real, meaningful relief for innocent spouses; (E) provisions which abate penalties and interest after 1 year so that the IRS does not profit from its own delay; (F) provisions to ensure due process of law to taxpayers by granting them a right to a hearing before the IRS can pursue a lien, levy, or seizure; (G) provisions which forbid the IRS from coercing taxpayers to extend the 10-year statute of limitations for collection; (H) provisions which require the IRS to terminate employees who abuse taxpayers or other IRS employees; (I) provisions which make the Taxpayer Advocate more independent; and (J) provisions enabling the Commissioner of Internal Revenue to manage employees more effectively.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the assumptions underlying the functional totals in this budget resolution assume that the Senate shall, as expeditiously as possible, consider and pass an IRS restructuring bill which provides the most taxpayer protections, the greatest degree of IRS employee accountability, and enhanced oversight.


(a) FINDINGS.—Congress finds that a simple and fair Federal tax system is one that—

(1) applies a low tax rate, through easily understood laws, to all Americans;

(2) provides tax relief for working Americans;

(3) protects the rights of taxpayers and reduces tax collection abuses;

(4) eliminates the bias against savings and investment;

(5) promotes economic growth and job creation;

(6) does not penalize marriage or families; and

(7) provides for a taxpayer-friendly collections process to replace the Internal Revenue Service.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the provisions of this resolution assume that all taxes imposed under the Internal Revenue Code of 1986 shall sunset for any taxable year beginning after December 31, 2001 (or in the case of any tax not imposed on the basis of a taxable year, on any taxable event or for any period after December 31, 2001) and that a new Federal tax system will be enacted that is both simple and fair as described in subsection (a) and that provides only those resources for the Federal Government that are needed to meet its responsibilities to the American people.

The PRESIDING OFFICER. There is now 1 minute of debate on each side.

Mr. HUTCHINSON addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. HUTCHINSON. I do not believe we need to be voting on the Dorgan amendment, which is simply a vote on behalf of the status quo. We need an affirmative vote on the need to sunset the current Tax Code.

The PRESIDING OFFICER. Would the Senator withhold?

Could we have order in the body?

Mr. HUTCHINSON. Mr. President, if I do not have a reading of the amendment?

The PRESIDING OFFICER. The clerk will please read the amendment.

The assistant legislative clerk read as follows:

Strike all after the first word of the matter proposed to be inserted and insert the following:

SENSE OF THE SENATE REGARDING PASSAGE OF THE SENATE FINANCE COMMITTEE’S IRS RESTRUCTURING BILL.

(a) Financed.—The Senate finds that—

(1) the House of Representatives passed H.R. 2756 on November 5, 1997;

(2) the Finance Committee of the Senate has held several days of hearings this year on IRS restructuring proposals;

(3) the hearings demonstrated many areas in which the House-passed bill could be improved;

(4) on March 31, 1998, the Senate Finance Committee voted 20-0 to report an IRS restructuring package that contains more oversight over the IRS, more accountability for employees, and a new arsenal of taxpayer protections; and

(5) the Senate Finance package includes the following items which were not included in the House bill:
As I said, the Senate has every right to offer a second degree. I don’t contest that. I’m saying we are not going to get out of here if this is the way the Senate is going to do its business. We will not get out of here.

I wrote an amendment. I made it available to everybody in the Senate to see, review, look at it, to make a judgment. I expected when I came here this morning we would have a vote. That is what I thought the unanimous consent was about last evening. Now I discover we have a second-degree and we go through a reading. We will be here forever if this is the way we will do business.

Again I say if you think you will avoid a vote on this, you will not. When we dispose of this, if I’m recognized, I will offer a second degree. If I’m not, I will be here because I’m going to get recognized and I will offer a second degree, and when I do, we will vote on my amendment.

Mr. LEVIN. Mr. President, this sense-of-the-Senate amendment would put the Senate on record in support of sunsetting the tax code on December 31, 2001, before a system was set up to replace it and without assurance that such a system would be in place.

There is no question that the Internal Revenue Code is too complicated and needs reform. In fact, as a result of the tax bill which was signed into law last year, 285 new sections were added.

One of the problems with the amendment before us is that it would do away with the current tax system without a guarantee that it would be replaced in a timely and orderly manner, if at all, so people can plan their lives. The sunsetting is not dependent on the adoption of a replacement. Households and businesses rely on provisions of the tax code for budgeting purposes.

Mr. President, we need a new tax code, but we also must make sure that a simplified and fairer tax code is in place. To pretend that we can sunset the current code without knowing what will take its place and without having the guarantee of a replacement in a timely manner, is misleading.

The PRESIDING OFFICER. Mr. ENZI. All time has expired.

The question is on agreeing to the Hutchinson amendment No. 2279. The yeas and nays have been ordered. The clerk will call the roll.

Mr. NICKLES. I announce that the Senator from North Carolina (Mr. HELMS) is necessarily absent.

I further announce that, if present and available, the Senator from North Carolina (Mr. HELMS) would vote “yea.”

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

The result was announced—yeas 59, nays 40. A Rollcall Vote No. 62 Leg.

[ROLLCALL VOTE NO. 62 LEG.]

Yeas—59

Ahmed Brownback Campbell
Ashcroft Bennett
Bingaman Bond

Nays—40

Abraham Burns Campbell
Chafee Chiles
Coats Cochran
Collins Cooverrell
Craig D’Amato DeWine
Demint Enzi
Faircloth Frist
Gorton Gramm
Grassley

Not Voting—1

Helms

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

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

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

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

AMENDMENT NO. 2280 TO AMENDMENT NO. 2218, AS MODIFIED AND AMENDED

(Purpose: To strike section 301 of the concurrent resolution, which expresses the sense of Congress regarding the sunset of the Internal Revenue Code and replace it with a section expressing the sense of Congress that important tax incentives such as those for encouraging home ownership and charitable giving should be retained)

Mr. DORGAN. Mr. President, I have a second-degree amendment at the desk. The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from North Dakota (Mr. DORGAN) proposes an amendment numbered 2280 to amendment No. 2218, as modified.

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

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

The amendment is as follows:

SEC. 2. SENSE OF CONGRESS ON THE TAX TREATMENT OF HOME MORTGAGE INTEREST AND CHARITABLE GIVING.

(a) Findings.—The Congress finds that—

(1) current Federal income tax laws embrace a number of fundamental tax policies including longstanding encouragement for home ownership and charitable giving, expanded health and retirement benefits.

(2) the mortgage interest deduction is among the most important incentives in the income tax code and promotes the American Dream of home ownership—the single largest investment for most families, and preserving it is crucial for the many families claiming it now and for millions more in the future;

(3) favorable tax treatment to encourage gifts to charities is a longstanding principle that helps charities raise funds needed to provide services to poor families and others when government is simply unable or unwilling to; and maintaining this incentive will help charities raise money to meet the challenges of their charitable missions in the decades ahead;

(4) legislation has been proposed to repeal the entire income tax code at the end of the year 2001 without providing a specific replacement; and

(5) sunsetting the entire income tax code without describing a replacement threatens our Nation’s future economic growth and unwisely eliminates existing tax incentives that are crucial for taxpayers who are often making the most important financial decisions of their lives.

(b) Sense of Congress.—It is the sense of Congress that the levels in this resolution assume that Congress supports the continued tax deductibility of home mortgage interest and charitable contributions and that a sunset of the tax code that does not provide a replacement tax system that preserves this deductibility could damage the American Dream of home ownership and could threaten the viability of non-profit institutions.

This is a second degree that I am offering.

I don’t know that I need to say much more about it except that it essentially is a vote on what I had offered in the first instance.

The intent here is very simple. It is not to denigrate those who have different ideas than I have about this issue. It is, however, to say that I think suggesting that we throw away the current Tax Code, as imperfect as it is, as much in need of reform as it is, without suggesting what it will come in its place is to say to all Americans who are homeowners that we are not sure that we are going to have a tax system in the future that allows charitable contributions to be deducted.
So I think the responsible thing to do is to say to the American people that when there is a sunset, if there is, that there is a replacement that will be included in these provisions.

The PRESIDING OFFICER. Who yields time?

Mr. DOMENICI. I yield to the Senator from Arkansas.

The PRESIDING OFFICER. The Senator from Arkansas is recognized.

Mr. HUTCHINSON. Mr. President, 15 minutes ago, 59 Senators voted in favor of what I think all of us support: re-forming and restructuring the IRS and protecting the taxpayers to a date certain on sunsetting the Tax Code that no one in this country defends.

Do not be fooled. This amendment is a second-degree amendment offered by my dear colleague from North Dakota that would undo much of what we just did. We don’t want to undo that. There is nothing in the sense of the Senate that we just adopted that would threaten in any way charitable deductions or home mortgage deductions or any of the other particular aspects of the current code that you may like. It would say that on a date certain we are going to have a new code that is fairer and simpler and more comprehensible to the American people, and that is a tax code that they deserve.

I ask my colleagues to reject this second-degree amendment designed only to undo what we just expressed to the American people—that we believe the IRS is out of control and that we have a code that needs to be simplified and that needs to be made more fair. I ask my colleagues to vote against this amendment.

Mr. DOMENICI. Mr. President, has all time expired?

The PRESIDING OFFICER. All time has expired.

Mr. DOMENICI. I ask unanimous consent that on the remaining stacked amendments there be no second-degree amendments offered.

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

Mr. DOMENICI. I move to table the second-degree amendment that is pending and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second. The yeas and nays were ordered.

Mr. DOMENICI. Mr. President, if I might, I propose a parliamentary inquiry?

The PRESIDING OFFICER. We are in a nondebatable posture. Is there objection?

Without objection, it is so ordered.

Mr. DORGAN. Mr. President, parliamentary inquiry.

The PRESIDING OFFICER. The Senator is recognized.

Mr. DORGAN. The second-degree amendment that I am offering does not in fact replace what the Senate voted on pursuant to the motion that I corrected.

The PRESIDING OFFICER. The Senator is correct. The language is added onto the amendment as amended.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from New Mexico to lay on the table the amendment of the Senator from North Dakota No. 2280. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

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

Mr. NICKLES. I announce that the Senator from North Carolina (Mr. HELMS) is necessarily absent.

I further announce that, if present and voting, the Senator from North Carolina (Mr. HELMS) would vote “nay.”

The result was announced—yeas 1, nays 98, as follows:

[Rollcall Vote No. 61 Leg.]

YEAS—1

Thompson

NAYS—98

Abraham
Akaka
Ashcroft
Baucus
Bennett
Biden
Bingaman
Bond
Borah
Breaux
Brownback
Bryan
Bumpers
Campbell
Chafee
Cleland
Cochrane
Culbertson
D’Amato
DeWine
Enzi

Faircloth
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Feingold
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Griffith
Gorton
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Grassley
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Hutchison
Inhofe
Inouye
Johnson
Kempthorne
Kerry
Kohl
Kyl
Lautenberg
Leahy
Lieberman

Lott
Lugar
Mack
McCain
McConnell
Mikulski
Moatsley-Braun
Meynahan
Markowski
Mikulski
Montgomery
Moseley-Braun
Murray
Moshofsky
Moseley-Braun
Mikulski
Moseley-Braun
Murray

The motion to lay on the table the amendment (No. 2280) was rejected.

VOTE ON AMENDMENT NO. 2280 TO AMENDMENT NO. 2218, AS MODIFIED, AS AMENDED

The PRESIDING OFFICER. The question is on adoption of the Dorgan second-degree amendment. Mr. HUTCHINSON addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. HUTCHINSON. I ask unanimous consent to speak for 30 seconds.

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

Mr. HUTCHINSON. Mr. President, I think Senator Domenici’s motion to table gave all of us on this side of the aisle time to look closely at what the second-degree amendment by the Senator from North Dakota actually did. I have no objection to that second-degree amendment. I think it merely expresses—it does not undo or reverse the sense of the Senate that we adopted earlier with 59 votes. It expresses support for the charitable tax deduction and the homeowner deduction. I ask my colleagues to join me in support of Senator Dorgan’s second-degree amendment.

Mr. DORGAN addressed the Chair.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, I request unanimous consent to speak for 30 seconds simply to say the intent of the second-degree amendment was to say to the American people that whatever the merits of reforming our Tax Code—and most of us, myself included, think it does need reform—that when we decide to change the Tax Code, if we decide to do that, its replacement shall give some assurance to the American people that we are not going to scrap their ability to deduct their home mortgage interest, to scrap the ability to deduct charitable contributions. That is the purpose of that second-degree amendment. I appreciate very much support on that amendment.

THE PRESIDING OFFICER. The question is on agreeing to the second-degree amendment of the Senator from North Dakota.

The amendment (No. 2280) was agreed to.

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

Mr. LAUTENBERG. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BUMPERS. Will the Senator from New Mexico yield for an observation? The last vote took approximately 25 minutes.

VOTE ON AMENDMENT NO. 2218, AS MODIFIED, AS AMENDED

The PRESIDING OFFICER. The question is on the first-degree amendment as further amended. The yeas and nays have been ordered.

Mr. DOMENICI. Mr. President, I ask that the yeas and nays be vitiated.

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

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

The amendment (No. 2218), as modified, was agreed to.

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

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

The motion to lay on the table was agreed to.

Mr. DOMENICI. We are ready for the next amendment, Mr. President.

AMENDMENT NO. 2170

The PRESIDING OFFICER. The next amendment is amendment No. 2170, offered by the Senator from Colorado, Senator ALLARD.

The yeas and nays have been ordered on the motion to waive the Budget Act. Mr. ALLARD addressed the Chair.

The PRESIDING OFFICER. Who yields time? The Senator from Colorado is seeking recognition.
Mr. DOMENICI. I yield 1 minute.

Mr. ALLARD. Mr. President, I want to just briefly explain what my amendment does. Right now, the total debt that we are facing in this country is $5.6 trillion. The interest that we pay on that total debt is more than the entire defense budget, and I believe we need a plan to pay down that total debt.

My amendment proposes such a plan. It takes that surplus that is reflected in the budget proposal that is before us here on the floor of the Senate today, and takes those first 5 years and allocates them toward that debt pay-down plan. It says that after the 5 years that are reflected in the budget plan, then we dedicate $11.7 billion a year towards paying down the debt. If we will do that, we can pay down the debt in 30 years and save more than $3.7 trillion in interest.

The $11.7 billion which we set aside after the 5 years which is reflected in this budget, that is less than 1 percent of the total debt. I am here to ask the Senate to join me in putting in place a plan to pay down the total debt.

I reserve the remainder of my time.

Mr. LAUTENBERG addressed the Chair.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, I rise in opposition to the Allard amendment. It is going to impose excessively rigid strictures on the way we function. As I have said, very simply, is that any time that income does not exceed expense, that revenues do not exceed outlays, there is a 60-vote point of order to make any change to accommodate it.

Just think what the consequences might be. We use our opportunities here to sometimes adjudge to an economy that is in stress. We could be endangering our national security, because though a declaration of war may not have been made, the fact of the cause though a declaration of war may be necessary in advance of that. What happens if our outlays exceed our revenues? We cannot go ahead and take care of our necessary business. What happens in times of depression when, in fact, revenues may be down and we may have a need to increase our expenses to help us carry our citizens through that period of time?

What it does is it excessively restricts our ability to function. Proper fiscal policy is an important part of operating our Government. I urge my colleagues to vote no on the request to waive the Budget Act.

I yield 1 minute.

Mr. NICKLES. I announce that the Senator from North Carolina (Mr. HELMS) is necessarily absent.

I further announce that, if present and voting, the Senator from North Carolina (Mr. HELMS) would vote "yea."

Mr. FORD. I announce that the Senator from Louisiana (Ms. LANDRIEU) is necessarily absent.

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

The result was announced—yeas 53, nays 45, as follows:

[RollCall Vote No. 64 Leg.]

YEAS—53

Allard (Colo.)
Ashcroft (Colo.)
Bennett (Colo.)
Brownback (Kan.)
Burns (Mont.)
Campbell (Mont.)
Chafee (R.I.)
Coats (Colo.)
Cochran (Miss.)
Collins (Me.)
Coverdell (Ga.)
Craig (Mont.)
D’Amato (N.Y.)
DeWine (Ohio)
Domenici (N.M.)
Enzi (Wyo.)
Faircloth (N.C.)
Fenigold (Miss.)

NAYS—45

Abraham (La.)
Akaka (Hawaii)
Baucus (Mont.)
Biden (Del.)
Bingaman (N.M.)
Bond (Calif.)
Boxer (Calif.)
Breaux (La.)
Bryan (Okla.)
Bumpers (Ark.)
Byrd (W.Va.)
Cleland (Ga.)
Conrad (W.Va.)
Daschle (S.D.)
Dodd (Conn.)

NOT VOTING—2

Helms (N.C.)
Launbrex (La.)

The PRESIDING OFFICER. On this vote the yeas are 53, and the nays are 45. Three-fifths of the Senators present and voting, not having voted in the affirmative, the motion to waive the Budget Act is not agreed to.

The point of order is sustained, and the amendment falls.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. What is the next amendment?

AMENDMENT NO. 2195

The PRESIDING OFFICER. Amendment No. 2195, the amendment offered by the Senator from New Jersey, Senator Lautenberg, not having been made, the Budget Act is the order of business.

Mr. LAUTENBERG. Mr. President, this amendment establishes a reserve fund to allow revenues, taxes paid by large corporate taxpayers, to be used in a manner that is directly connected to environmental cleanup.

Right now, the bill that we are considering permits only the use of $200 million out of a total revenue base of $1.7 billion to be used for environmental cleanup. Frankly, I think that is wrong.

What we need to do is make sure that these funds are available for the purpose that it is collected. We don’t want to see it going to tax breaks or other programs. Only $200 million of this will be used to pay for the “orphan shares,” those shares for which no polluter can be found. It is insufficient to take care of the job. That is the way Superfund was originally designed.

I hope we can waive the budget point of order that has been raised.

The PRESIDING OFFICER. Senator from New Mexico.

Mr. DOMENICI. This is another reserve fund. The reserve fund has the advantage, for the proponent, of creating a new series of entitlement programs, thereby indirectly breaking the caps. If you would try to spend these in the normal way, we would be breaking the budget.

So it creates a series of potentially new entitlement programs. If we ever get taxes increased or other programs cut, the resources can be put into this reserve fund. I don’t believe we ought to be doing this. I have objected to the regularly being here on the floor when there is no real source of money.

I think we should sustain the budget point of order on this one and not start another approach to a new series of entitlement programs.

Mr. BAUCUS. Mr. President, I rise in support of the amendment offered by the ranking member of the Budget Committee, the senior Senator from New Jersey and my fellow member of the Environment and Public Works Committee, Senator Lautenberg.

This amendment will allow the Congress to increase funding for important natural resources and environment programs without increasing the deficit or lowering the surplus. That is an important point.

We would be able to address additional needs in these areas without affecting the overall deficit or surplus. The amendment would do this by allowing the excess receipts from a reinstated Superfund taxes to offset the cost of the programs.

What kind of programs might be funded through this amendment? We could hasten the cleanup of hazardous waste sites. We could provide assistance to states to protect waterways from polluted runoff. We also could fund construction maintenance for our deteriorating national parks, wildlife refuges, and other public lands.

These priorities were included in the President’s proposed Environmental Resources Fund for America, but they are not included in Senate Concurrent Resolution 86.

The amendment would allow the authorizing committees, including the Environment and Public Works Committee, on which Senator Lautenberg and I sit, to set direct spending levels for environmental and natural resources programs. Furthermore, it would allow any excess funds from an extension of the Superfund tax to offset the added costs.

The Republican budget assumes that if a Superfund tax is reinstated, $200 million would be used to pay for that
portion of the cleanup that is attributable to parties that are bankrupt or otherwise cannot pay their share. The balance of $1.5 billion each year could be used to offset the cost of unspecified spending or tax breaks.

By way of background, the Lautenberg amendment would direct the money from the Superfund tax to needed environmental improvements—investments in the future of our natural resources and sustained health of our environment, not just for us, but for our children.

Directing the resources to states to help address the problem of polluted runoff will be an investment in the future of clean water.

Cleaning up Superfund sites is an investment that can protect public health and foster economic redevelop-

nent. Maintaining our national parks—our national treasures—is an investment that we must make, or see that part of our heritage fall apart.

Mr. President, I commend the Senator from New Jersey for his amendment and urge my colleagues to support it for the future health of our citizens and the environment.

Mr. GRAHAM. Mr. President, I strongly support Senator Lautenberg’s amendment to increase funding for the protection of the environment and our nation’s natural resources. This important amendment would establish an environmental reserve fund, so that receipts from a specified Superfund tax can be used for environmental protection initiatives.

The environmental and natural resources programs funded in the President’s Budget are critical to our efforts to protect these resources which are so vital to our society.

Several critical programs proposed by the President are not included in the Budget Resolution. Among others, these include operations and maintenance funds for the administration of the National Wildlife Refuge System and program support for the U.S. Fish and Wildlife Service’s execution of the Endangered Species Act. Both of these programs are critical to the State of Florida and our ability to protect and preserve unique ecosystems, habitats, and species.

Today’s 93 million acre National Wildlife Refuge System has its roots in the state of Florida. It was public outrage over the devastation of wading bird populations in Florida that led to the establishment of the Pelican Island Federal Bird Reservation in 1903. This action is recognized as the genesis of the National Wildlife Refuge System.

Each year, nearly 30 million people visit our National Wildlife Refuges and enjoy activities such as wildlife observation, hiking, fishing, photography, hunting, and environmental education. These lands are home to millions of migrating birds, big game, and hundreds of endangered species.

In the State of Florida, there are 25 National Wildlife Refuges that are an essential part of our natural heritage. I learned this lesson firsthand in May 1990 when I did my 24th workday at the “Ding” Darling Wildlife Refuge on Sanibel Island. Working with refuge naturalists, I spent the day surveying the refuge’s bird population, cleaning up mangrove areas, reinforcing water retention ponds and speaking with local citizens who had a keen interest in the refuge’s future.

I also learned that the success of wildlife refuges in Florida had occurred not because of any action taken by the House or Senate, but in spite of congressional neglect. While Congress has been willing to fund refuges, it had failed to ascribe a mission for the refuge system or clearly define environmental objectives for each individual refuge.

This situation was corrected with the passage of the National Wildlife Refuge System Improvement Act in 1997. It was an opportunity to boost the worthy Florida Keys Invasive Exotics Task Force, which is working to prevent the Florida Keys from invasive exotic plants which threaten the restoration of the South Florida Ecosystem, an instrumental role in this law’s enactment. It provides new protection to the more than 500 national wildlife refuges, and is a great step forward in our efforts to preserve the unique species and ecosystems located in these refuges.

However, these lands must be maintained if they are to remain national treasures. The President has requested an increase of $25.8 million in FY 99 for the Fish and Wildlife Service operation and maintenance of the National Wildlife Refuge System. These funds would be used in the State of Florida for projects such as protection of the Florida Panther in the Ten Thousand Islands National Wildlife Refuge. They would support the Florida Keys Invasive Exotics Task Force, which is working to protect the Florida Keys from invasive exotic plants which threaten the restoration of the South Florida Ecosystem.

The current budget resolution does not support this increase. The Lautenberg Amendment, which I co-sponsored, will help ensure that the National Wildlife Refuge System receives the funds that are so critical to its future.

In addition to the National Wildlife Refuge System, the President’s Budget request for an increase of $35.7 million in FY99 for the Fish and Wildlife Service’s threatened and endangered species program is a critical element in our ongoing efforts to improve the level of protection of endangered species. As currently written, the Senate budget resolution does meet the President’s request. Senator Lautenberg’s amendment will give us the opportunity to review this decision and provide the required funds to this critical program.

I believe that the Endangered Species Act is one of our nation’s most critical environmental statutes. While it goes without saying that the act could be more effective in recovering endangered and threatened species, I believe that the ESA has helped to forestall further declines and possibly even the extinction of many of our most imperiled species.

Senate approval of this Amendment will give us the ability to review the current needs of the ESA program and appropriate the required funds to support these programs.

Funding for implementation of the ESA is critical both today and into the future. As the Senate continues the Endangered Species Reauthorization Bill introduced by Senators Chafee, Baucus, Kempthorne, and Reid, our commitment to provide funds to support the revisions in the ESA Reauthorization Bill will be essential. Without this commitment, we run the risk of losing an opportunity to boost the worthy cause of endangered species conservation.

Mr. LAUTENBERG. I make the point this is not a new entitlement. It is direct spending and the revenue source would be it.

MOTION TO WAIVE THE BUDGET ACT

The PRESIDING OFFICER. The question is on agreeing to the motion to waive the Budget Act. The yeas and nays have been ordered.

The clerk will call the roll.

The bill clerk called the roll.

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

The result was announced—yeas 47, nays 52, as follows:

[Roll Call Vote No. 65 Leg.]

YEAS—47

Akaka
Baucus
Biden
Bingaman
Breaux
Bryan
Brown
Brower
Cleland
Conrad
Daschle
Dodd
Dorgan
Durbin
Faircloth
Feingold
Frist
Grassley
Graham
Harkin
Hollings
Inouye
Johnson
Kennedy
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Yeilden

NAYS—52

Abramoff
Ashcroft
Bennett
Brownback
Burns
Byrd
Campbell
Chafee
Chesapeak
Cochran
Cooney
Corker
Craig
Dole
Domenici
Emsi
Enzi
Feingold
Frist
Gorton
Gramm
Grimm
Grassley
Gregg
Hagel
Hatch
Hutchinson
Hutchinson
Inhofe
Jeffords
Kempthorne
Kyl
Lott
Lugar
Mack
McCain

NOT VOTING—1

Holms

The PRESIDING OFFICER. On this vote, the yeas are 47, the nays are 52.
Three-fifths of the Senate duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained and the amendment fails.

Mr. BOND. Mr. President, I move to reconsider the amendment offered by Mr. CRAIG. I move to lay that motion on the table. The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Louisiana.

Ms. LANDRIEU. Thank you, Mr. President.

On the last vote, vote No. 64, the Allard motion to waive the Budget Act, I was unavoidably delayed and did not vote. But I want the RECORD to reflect that if I had voted I would have voted "no."

Thank you, Mr. President.

The PRESIDING OFFICER. The RECORD will so reflect.

AMENDMENT NO. 2213

The PRESIDING OFFICER. The question is on agreeing to amendment No. 2213 offered by Mr. BOND of Missouri.

The Senator from Missouri is recognized.

Mr. BOND. Mr. President, the section 202 Elderly Housing Program is the most important housing program for elderly low-income Americans providing both affordable low-income housing and supportive services designed to meet the special needs of the elderly. The President’s budget request proposes reducing the funding from a current year level of $645 million to $109 million, an 83 percent cut.

I urge my colleagues to show an overwhelming vote in support of the program that maintains housing that our frail elderly so badly need.

I thank the Chair.

The PRESIDING OFFICER. Who yields time in opposition? Is all time in opposition yielded?

Mr. DOMENICI. Mr. President, I suggest the absence of a quorum for 1 minute.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from North Carolina (Mr. HELMS) is necessarily absent.

I further announce that, if present and voting, the Senator from North Carolina (Mr. HELMS) would vote "yea."

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

The result was announced—yeas 97, nays 2, as follows:

[Rollcall Vote No. 66 Leg.]

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NOT VOTING—1

| Helms |

The amendment (No. 2213) was agreed to.

AMENDMENT NO. 2228

The PRESIDING OFFICER. The question is on agreeing to the motion to lay on the table the amendment (No. 2228). The yeas and nays have been ordered on the motion to table.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from North Carolina (Mr. HELMS) is necessarily absent.

I further announce that, if present and voting, the Senator from North Carolina (Mr. HELMS) would vote "yea."

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

The result was announced—yeas 55, nays 44, as follows:

[Rollcall Vote No. 67 Leg.]

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NOT VOTING—44

| Helms |

You get a double whammy. You get a chance to fulfill that mandate and, No. 2, take care of a totally unjustified tax break we give the mining companies. We give them Federal lands for $2.50 an acre, they mine the gold and silver off of it, and we pay them to take it, a 15 percent depletion allowance. So I would take that depletion allowance and give it to disabled children.

The PRESIDING OFFICER. The Senator from Idaho is recognized for 1 minute.

Mr. CRAIG. Mr. President, this year this Senate will vote for $2.5 billion in new money to go to the disabled. We are doing our part for the first time. What the Senator from Arkansas fails to say is he is proposing half a billion dollars in new tax increases on the working men and women of the mining industries. It is not that simple. If you want to vote for a big tax increase, then vote not to table this amendment. But if you want to vote to maintain a strong mining industry in this country that is the foundation of our industrial might, then you ought to vote to table because we are doing the right thing this year. We are funding for the disabled with an additional $2.5 billion. I ask my colleagues to vote to table the amendment.

The PRESIDING OFFICER. The question is on agreeing to the motion to lay on the table the amendment (No. 2228). The yeas and nays have been ordered on the motion to table.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from North Carolina (Mr. HELMS) is necessarily absent.

I further announce that, if present and voting, the Senator from North Carolina (Mr. HELMS) would vote "yea."

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

The result was announced—yeas 55, nays 44, as follows:

[Rollcall Vote No. 67 Leg.]

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Mr. BROWNBACK. 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. BROWNBACK. Mr. President, I would like to be recognized again, and I wish to thank the able chairman. This is a floor manager of the bill, what order of amendments do we have now? I have an amendment that I am certainly prepared to take up at this time.

Mr. DOMENICI. Mr. President, I understand that there is some time to be divided between the minority and the majority, a list of six amendments that we would like to present. Senator BROWNBACK is No. 1 on that list; followed by Senator BOXER; followed by Senator SPECTER; followed by Senator LAUTENBERG; and then we would have another one in there, and we do not know whether it would be Senator CONNIE MACK or otherwise; and Senator KENNEDY.

I want everyone to know that we are trying very hard to get to a point where there is not very many amendments left for full debate. It does not mean we have yet arrived at how many would be entitled to a vote under the "vote-arama" with 1 minute. We are working on that right now. We need a little help from Senator BOXER. But I think it is fair to proceed, I say to the leader, with this amendment. This is not one of the three or four we would choose to resolve these issues, but we had already made that commitment. And we will work on it, as we can.

Mr. BROWNBACK addressed the Chair.

The PRESIDING OFFICER. The Senator from Kansas.

AMENDMENT NO. 2177

Mr. BROWNBACK. Mr. President, I call up amendment No. 2177 to be the pending business.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

Amendment No. 2177, previously proposed by the Senator from Kansas [Mr. BROWNBACK].

Mr. BROWNBACK. As I understand, I have 15 minutes to make the presentation under the unanimous consent.

The PRESIDING OFFICER. That is correct.

Mr. BROWNBACK. I don’t know that I will take that amount of time. If the Chair will advise when I have used 10 minutes, I will appreciate that.

I ask, as well, that PHIL GRAMM be added as a cosponsor to this amendment.

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

Mr. BROWNBACK. The Brownback amendment is a simple amendment that calls for a change in the budget law, the pay-go rules of the budget law, to allow for discretionary spending program eliminations, all those key words, to be used for tax cuts or to save Social Security. It allows for that usage to be able to do those things.

Now, according to current budget law—and I realize some of this can be arcane to a number of people—we cannot make cuts in discretionary spending programs in order to finance tax cuts. You have to make cuts in mandatory spending programs like Social Security and Medicare to pay for tax cuts. That is absolutely unfair and it is not right and it is wrong.

That is why we put forward this amendment. At this time I will read the amendment because it is short, sweet, and to the point and it is important.

It is the sense-of-the-Senate that the functional tools underlying this resolution assume that (I) the elimination of a discretionary spending program may (with emphasis on the "may") be used for either tax cuts or to reform the Social Security system.

There is some other language under the amendment.

That is the extent, basically, of the amendment.

Now, I want to ask people, I know a number of folks watching this have concerns about what is taking place in Washington. This is a $1.7 trillion Government on an annual basis. We have things in that Government—like tobacco subsidies, like corporate welfare—that when I go home and talk to people in Kansas or the Senate say, why in the world are you still spending money on tobacco subsidies? Why are you spending money on corporate welfare? Why don’t you cut those programs? I don’t think most people recognize the system—we have to protect those programs like tobacco subsidies.

For instance, what you get is a system in place where there are a few people protecting tobacco subsidies, or corporate welfare, and a lot of people who want to eliminate it, but the few people can offset the greater number because if you eliminated tobacco subsidies today, what happens to the money? It just gets spent somewhere else. It can’t be cut. So that is the problem. Why don’t you cut corporate welfare? Why don’t you cut tobacco subsidies?

The system works against our getting rid of Government waste. Now, what if we created a competitive force back the other way? What if you said, OK, if we eliminate tobacco subsidies, we can use that to pay for a tax cut. Or, if we eliminate corporate welfare, we can use that to save Social Security. So they create a competing force of people who want tax cuts or save Social Security against the domestic discretionary spending programs that in many cases are very wasteful of precious taxpayer dollars. So that all this amendment attempts to do is to create that competing force to knock out some of this wasteful Government spending that everybody knows is here but nobody can ever seem to get at.

We are at the point of record high levels of taxation. The average American family pays nearly 40 percent of...
their income for taxes at all levels. It is the highest level since World War II. People are starting to ask why. Why are we paying such a high level of tax-ation? You add to that we are also broke, $5.4 trillion worth of debt, we have unfunded obligations more than double, and you take the money on tobacco subsidies or we waste money on corporate welfare, and people don’t get it.

The problem of it is the set of rules that are operating under that create a system where the few, who pro-TECT a portion of waste that may be good for their constituents but is not good for the rest of the country as a whole, have a far greater stake in the system than the people who want to eliminate it, who, if they eliminated it, it just goes to be spent somewhere else and nothing happens to the debt or level of taxation or Social Security.

This amendment is very simple and straightforward on that. You elimi-nate—just not cutting, it is eliminating programs. A lot of times people might cut back on a discre-tionary spending program. Say we cut tobacco subsidies $100 million and use that for offsetting tax cuts somewhere, it is a better example in that area—the next year we just add it back. We still have the tax cut that is pulling and draining re-sources from the Federal Treasury, which frankly I don’t mind because it goes back to taxpayers’ pockets, but on the other side you haven’t paid for that tax cut. What we say is eliminate—not just shave, not reduce, but eliminate—a program so that this one doesn’t come back and you can have an actual true offset.

So, Mr. President, it is past the time for us to start changing the system that has yielded to us a $1.7 trillion Government, that maintains tobacco subsidies at a time when everybody in the world, in this country is trying to cut down the causes of cancer. We are trying to stop young people from starting to smoke, and yet we are still subsidizing tobacco subsidies. We still have cor-porate welfare all over the place, and we can’t seem to get at it. This change in rule, this little change in rules, would help us get at these issues. That is why I put this amendment forward.

At the appropriate time I will ask for the yeas and nays. I reserve the re-maining 1 minute. We must come back.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, I rise in strong opposition to the amend-ment by the Senator from Kansas. This amendment calls for a change in the Budget Act that would allow discre-tionary programs to be completely eliminated in order to provide new tax breaks for purposes other than the initial direction for this funding. I’m not sure that I understand who would de-termine it to be the proper Budget Committee that would determine that? Would it be the specific committees? Would we go to Environmental and

say, eliminate this environmental cleanup program? Or would we go to the Department of Transportation and say, eliminate safety programs, elimi-nate parts of the programs that are not financed through the trust fund?

This would be an incredible departure from the rules that are established in the balanced budget agreement. It could threaten just about anything—education, anticrime efforts, environ-mental programs—defense, as well, by the way?

We know that we have a debate here between those who would typically like to spend more for defense or those who say, look, we have spent enough on de-fense to keep our security intact. How about the Coast Guard? You could come from a landedlock State and say, what do we need the Coast Guard for? How about other departments? Some might disagree with us on a program to protect our water or any number of programs that are often represented reg-ionally.

Frankly, I see this as a terrible pros-pect to contemplate. The Budget Act is designed to ensure that if we incur permanent obligations such as permanent tax cuts or new mandatory spending, we pay for these obligations with per-manent savings.

That is what the pay-as-you-go plan rules are all about. It has worked out well for many years. This amendment would change these rules. It says we can pay for regulatory manu-facturing—that is, annually appropriated dis-cretionary programs—and use those temporary cuts to fund permanent tax breaks. Well, it doesn’t take a CPA to figure out that this can create serious problems in the long run. Cutting fund-ing for a program in one year doesn’t mean those savings are going to re main available in future years. Once you have a tax break on the books, its costs regularly occur, year after year.

I urge my colleagues to reject this amendment.

Mr. BROWNBACK. Mr. President, how much time do I have?

The PRESIDING OFFICER. Senator BROWNBACK has 8 minutes 36 seconds. The Senator from New Jersey has 9 minutes 12 seconds.

Mr. BROWNBACK. Mr. President, I want to respond to a few of the state ments. I thank the Senator from New Jersey, whom I appreciate, and I appre-ciate his service in the U.S. Senate, probably made the exact accurate point. That is, if you are going to cut veterans programs for tax cuts, people will come unglued, and it will not hap-pen, because there will be a number of veterans out there saying, “What are you doing cutting veterans programs and paying for tax cuts? I am not going to let you do that.” And that would be unaccept-able.

If we went out and said, you know what, we are going to eliminate to-bacco subsidies to pay for tax cuts, or we are going to cut the corporate wel fare for the wealthiest 50 corporations in America and pay for a tax cut with that, would people come unglued? I sense an applause line in Kansas for something like that.

If I go to Kansas and say, “I am going to cut veterans programs and write tax breaks, they will say, ‘you are going to give your head for that one.’ That is the whole point here. The system is currently tilted toward no tax cuts and growing Government, because if you are going to provide for a tax cut, you have to cut Social Security or Medi-care basically to pay for that tax cut. That is wrong. We should not be cut-ting Social Security and Medicare. We should not be cutting them at all, let alone offset them against a tax cut. The system was set up exactly this way, to fool Government and make it big ger.

Why are we at $1.7 trillion and grow ing? It is because the system is built to
build. Why do we still subsidize tobacco? This makes absolutely no sense. So what we are trying to do here is make a little change.

The Senator from New Jersey raises another very important point about permanent saving now by permane- nent cutting. I think that is a very plausible issue to raise. That is why, in the measure, we state that you have to eliminate the program—not just cut it, but eliminate the program to pay for tax cuts.

So if we take my example again, if we go to tobacco subsidies and say we are going to eliminate tobacco subsidies and pay for this tax cut, it will be a small tax cut. What about the next two then? Do you think they are going to be able to add back in tobacco subsidies once you get it finally pulled out by its roots? I don’t think so. What if you are able to pull out corporate welfare by its roots to pay for that tax cut? Are we going to be able, the next year, to add back in that corporate welfare? I don’t think so, once it is pulled out. There is such a system of inertia to build the bill that I think we are going to be able to get at this with this little change in the budget rules.

This is a great time to be doing this, as we will be looking forward to the future as to how we are going to protect, preserve, and save Social Security. We need to do that. What are we going to do to further tax cuts on this burdensome level of taxation that we have for the American people? This little budgetary change will actually help us make some sense and sanity out of this place to a lot of the American public.

So that is why I am putting this forward. Suggestions can be put forward in fairness to the Senator from Kansas. I hope that the Senator from Kansas would not prevail with this. I think it would be a disastrous conclusion.

Imagine risking some of the services that we talked about. How would we feel about reducing the program in FEMA, the Emergency Services program? Where everybody calls up, picks up the phone, dials the big 911, saying, “Help. Get out here. Hurry.” We wouldn’t have the funds to do it because we were giving tax breaks to well-off people. That would really create a stir in this country. I will tell you, it would be louder than an applause line.

I reserve the remainder of my time.

Mr. BROWNBACK. Mr. President, if I could just talk a little bit about the comments of my colleague from New Jersey, for whom I have a great deal of respect. He makes the exact point I am making. Tobacco subsidies aren’t cut because North Carolina and Kentucky and a few other States protect those basics. Everybody else says, “Look, if you cut it, we are really not going to do it. We are not cutting taxes. We are not cutting spending.”

So, all right, I will go along on it. We are trying to create competitors. If we pull something good out of the program, a program, and a need, we are going to fund it. We have proven throughout history that we will fund that. That is why actually today there is nothing so permanent as a temporary Government program. That is one of President Rea- gan’s lines. Because we will do it. The problem is we never undo it, or we never stop doing it. We don’t have any competing force back the other way. I think that’s why it is very hard to debate if we would have these regularly on the floor about, Should we actually be spending this money on corporate welfare? What if we gave it back to the taxpayer or used it to preserve and pro- tect Social Security? That would be a good, healthy idea, because instead of the way we do it right now, which is basically we are going to add that spending, we will never look back here at what we previously paid for over the past 60 years because there is no competing force on the other side of it.

That is why I am suggesting this would be an excellent change for this body. It would be an excellent force that would be set up in favor of the taxpayer, in favor of good government, in favor of Social Security.

How much time is remaining on both sides?

The PRESIDING OFFICER. The time.

Mr. LAUTENBERG. Mr. President, I yield my time in fairness to the Senator from Kansas. I am going to, obviously, oppose the amendment.

I yield the time.

The PRESIDING OFFICER. Mr. President, all time is yielded.

Mrs. BOXER addressed the Chair.

The PRESIDING OFFICER. The Senator from California.

AMENDMENT NO. 2176

Mrs. BOXER. Mr. President, I call up amendment No. 2176. The PRESIDING OFFICER. The amendment.

The clerk will report.

The bill clerk reads as follows:

The Senator from California (Mrs. BOXER) proposes an amendment numbered 2176.

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

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

(The text of the amendment is printed in the March 30, 1998 edition of the Record.)

Mrs. BOXER. Mr. President, I ask that the following Senators be added to this amendment: Senators DASCHLE, SARBANES, MURRAY, JOHNSON, KEN- NEDY, BINGAMAN, and LANDREIUS.

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

Mrs. BOXER. Mr. President, in picking up where the Senator from Kansas left off, I think it is important when we recommend a priority, we figure out a way to pay for it.
I am going to give you and my colleagues in the U.S. Senate an opportunity to cut funding, which is what the Senator from Kansas is very concerned about, out of the Government travel budget—cut that funding by one-tenth of one percent—and take those funds away from traveling bureaucrats and put them into after-school programs.

I know you are a family man with many children and grandchildren. Often we talk about the joys of parenthood. I take all of you all are concerned not only about our own children and grandchildren, but about America’s children. I believe that is true across the party line. I think if we ask ourselves the question right now, right here, what our children will be doing after school today, I really do not think the answer would come back in a way that satisfies us as U.S. Senators, as parents, as grandparents, and, frankly, as community members. Unfortunately, many of our children after school have no place to go, are alone, get into trouble with gang members, or are lured into gangs. Frankly, if you look at the crime statistics, which I will show you later on, that face our nation, they are not sitting home alone watching television, waiting for a working parent to arrive.

I want to show you a couple of other photos of these children. Here is another one from Sacramento START. This program, which my amendment encourages, includes drug counseling and anticrime measures. They invite policemen and firefighters and businesspeople in. Here you can see the children engaged with this police officer; they are very engaged in what he is explaining to them.

I am going to show you a couple of other photos of these children. Here is one from the city of Oakland’s after-school program. It is a music after-school program where the children are preteens. We talk a lot about preventing teenage pregnancy and the need for abstinence and the need for our children to understand that their self-esteem is important to them. Here we see the faces of these children and how they are engaged in this music program. Why? Because there was some funding that they scraped together to put together an after-school program. These programs are holding together in a very difficult way, and they want to see the National Government’s support.

Here is another photo. This one is from Sacramento, also. You can see that this is an environmental lesson. They have, it looks like, a crocodile. The children are engaged in learning about animals. We love our children in this country. We cannot afford to abandon them just because the school bell rings at 3 o’clock. Our responsibility does not end at 3 o’clock.

Let me show you the crime statistics. When do juvenile offenders commit violent crimes? You can see the spike up at 3 p.m., and it doesn’t begin even turning down afterwards. If we overlay on this chart after-school programs that keep our children busy, we can see the need for these programs. I might add that the victims of these crimes are also juveniles. The victims and the perpetrators of these crimes arejuveniles.

I think when we support such an amendment as this, we are not only going to increase the academic performance of our children across the board—and I will explain that—but we also absolutely take a step forward to reducing the crime rate.

Mr. President, I ask that you let me know when I have 3 minutes remaining in my presentation.

Let’s see what some law enforcement people are saying about after-school programs. This is a proclamation signed by Fight Crime: Invest in Kids. Fight Crime is made up of 170 of the Nation’s leading police chiefs, sheriffs and prosecutors, and the presidents of the Fraternal Order of Police and the International Union of Police Associations, which together represent 360,000 police officers. Let’s hear what they say about the need for after school programs.

No one knows better than we—the law enforcement people—that the most important weapons against crime are the investments which keep kids from becoming criminals—investments which enable all children to get the right start they need to become contributing citizens, and which show them that, as adults, they will be able to meet their families’ basic needs through honest hard work.

What else is being said? Further:

We therefore call on all public officials to protect public safety by adopting commonsense policies to . . . provide for all of America’s school-age children and teens, after-school programs.

So if you are pro—and this is important—pro-law enforcement, let us not turn our backs on law enforcement, who is urging us provide “after-school, summer programs that offer recreation, academic support and community service experience.”

Let’s see what the police chief of Los Angeles has said.

Police leaders know America’s commitment to putting criminals in jail must be matched by its commitment to keeping kids from becoming criminal in the first place.

We are at a turning point in our country. We now know how important our children are to our future. We now know that if we invest in them, we save 10 times, 20 times on the other end when they are good citizens, when they learn, when they have self-esteem, when they get help with their homework. These are all important things that will happen from my amendment.

Remember, if you want to fight crime, this is certainly one way to do it.

What do we say in our amendment? We say that local school districts should design the program to meet the need of our children and to cut out unnecessary Government travel. It seems to me it is a choice that, as my children say, is a “no-brainer.” It makes sense.

If you look at the faces of these children, and just look at their hands that they are holding up to answer a question—this is an after-school program in Sacramento, Sacramento START, which I have seen. You can see in the faces of these children that they are interested, that they are engaged, that they know what they are doing.

Clearly, being in this program after school means they are not alone, that they are involved, that they are learning, that they are interested, that they are engaged, that they are concerned not only about their own children and grandchildren, but about America’s children. I think we are all concerned not only about our own children and grandchildren, but about America’s children. I believe that is true across the party line.

I want to tell you about LA’s Best after-school enrichment program. There are 5,000 students in 24 elementary schools who participate. LA’s Best children, well, they just like school a lot more. I have been there, I have seen them. I invite anyone to go there. All of those things will give that young generation the opportunity to be good citizens, when they learn, when they have self-esteem, when they get help with their homework. These are all important things that will happen from my amendment.

I would love to see us break this pattern of partisanship today. This is not a program that is new. Education is not new. These programs are out there already. They are working. If we in fact believe that our children are important—the Boxer amendment simply says cut out travel for the bureaucrats. They can take a little less travel. Put it into the classroom after school. Our children face many more risks today than our children faced when I was growing up. We know that. We know about drugs. We know about gangs. We know about the war of after-school hours. We know from our crime fighter that we need to get these kids off the streets.

I want to tell you about LA’s Best after-school enrichment program.
children who participate like school more. Their grades significantly improve. They show positive behavioral changes. There is less crime at LA’s Best schools. LA’s Best children feel safe.

Let’s hear what the children say. We always talk here about how we love our children. Let’s hear what they say.

LA’s Best is the best place to be after school. I like the games and the work. I like going to the computer lab and I like going to the Library. But most of all I like the people.

Another child says:

If we didn’t have LA’s Best, I would probably still be going home to an empty house.

We used to call those kids latchkey children, home alone after school.

The PRESIDING OFFICER. The Senator has 3 minutes remaining.

Mrs. BOXER. Mr. President, let me tell you about Sacramento START.

I will close here and reserve my time. The children in Sacramento START are succeeding because they are getting help with their homework, tutoring and mentoring, and they feel good about their lives when they go to Sacramento START. The homework of these children is improved—by 85 percent in quality and completion.

Why would we not step in to support these important programs? The President has suggested in his budget that we do so, in a much larger way. This is a small, small measure here, cutting out one-tenth of 1 percent of the Government travel budget and putting it into programs such as Sacramento START, such as a program like we have in the Tenderloin district in San Francisco, such as LA’s Best, and give our kids something to say yes to.

Here is the closing photograph, because to me it says it all. This is a beautiful photograph from a program in the Tenderloin district in San Francisco, such as LA’s Best, and shows what they have there in that after school program, enjoying their life, being kept busy learning, and it shows on their faces.

I hope we will have an overwhelming vote for this. I hope we will break down this terrible partisanship that is dominating today and cast a vote for our kids, cut our Government travel, go home and feel a little bit better about what we are doing here.

I yield the floor. Actually, I will reserve the few 75 seconds that I have.

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

Mr. LAUTENBERG. If the request could be deferred.

Mrs. BOXER. I defer that request.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, how much time do the proponents of the amendment have?

The PRESIDING OFFICER. The Senator from California has 1 minute 23 seconds.

Mr. LAUTENBERG. So the Senator is yielding me 1 minute?

Mrs. BOXER. If my colleague would like to support this amendment, Mr. LAUTENBERG. I will support it because I think it is a terrific amendment. I commend the distinguished Senator from California for her leadership.

of their waking hours without supervision, without constructive activity, and it is only in school that they are able to have some supervision that makes sense. As many as 5 million kids are alone after school each week.

The prospect of a child alone without proper supervision is sometimes too grim to even think about when we think about those who would molest them, those who would invade the privacy of the home, those kids who might get their hands on a weapon. We have seen what happens there.

I want to see that this amendment carries. It puts things in proper focus. We talk here constantly about children and about how important they are in the development of these children, and how important they are in terms of their growth and development.

So I support the amendment of the Senator from California. We want to make sure there are quality after-school programs. The kids who do have good programs can do better in their schoolwork, get along better with their peers. I think it is a great amendment, and I want to see it pass even modestly if it passes. It doesn’t have to be overwhelming.

The PRESIDING OFFICER. All time has expired for the proponents. The opponents have 15 minutes remaining.

The Senator from New Mexico.

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

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. I complimentary the manager of the bill, especially my distinguished colleague Senator DOMENICI, for his very prodigious work on this budget and the budgets in the years that have been here, going back to 1981.

I offer an amendment to what Senator DOMENICI has done with some trepidation, but I do so because I think it is a very important matter, and I offer this amendment really in my capacity as chairman of the appropriations subcommittee which has jurisdiction over the funding for Health and Human Services and for the National Institutes of Health.

On page 17, line 9, increase the amount by $2,000,000,000.

On page 17, line 10, increase the amount by $2,000,000,000.

On page 25, line 6, decrease the amount by $2,000,000,000.

On page 25, line 9, decrease the amount by $2,000,000,000.

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The amendment, as modified, is as follows:

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and I have had some disagreement on the import of the budget resolution, but as I read it, with my experts on the staff, there is only $350 million for outlays, which would not accommodate the kind of increase which this Senate is on record as being committed to.

Last year, a sense-of-the-Senate resolution was adopted to double NIH funding over the next 5 years, and that has been a rallying cry and one with which I agree. Were that standard to be met, it would mean more than $2.5 billion a year.

Notwithstanding that amendment having been adopted for fiscal year 1998, the year we are in, when the Budget Committee returned last year’s budget, the health account was cut by $100 million. Therefore, Senator Harkin, my distinguished ranking member on the subcommittee, and I had set a target of a 7.5 percent increase for NIH, which is a good bit below the doubling over 5 years. We thought that was all we could afford.

We then offered an amendment, similar to the one now being offered, for an across-the-board cut to enable us to increase NIH funding by $1.1 billion. That amendment was defeated 63 to 37, so that, to express our druthers, or our preferences, we were very generous as a Senate body, and said we would double NIH funding over 5 years, or more than $2.5 billion a year. But when it came time to specify where the money was going to come from and have a hard dollar amount, that was defeated, as I say, 63 to 37. We are very generous with our druthers, but we are not very generous with our dollars.

We had a hearing, coincidentally, just yesterday in our regular quarter for the experts at the National Institutes of Health to come in and testify about the grants which are made, about 28 percent of those which are offered, could be a very very substantial additional number of grants awarded if the additional funds were there.

We have a total budget of $1.7 trillion. I believe that it is a matter of assessing our priorities. It is my submission in this amendment, with my distinguished ranking member, Senator Harkin, that we ought to up the ante by at least $2 billion. I know that when it comes across the board, it is going a lot of oxen, and there will be many who will cause it comes out of their funds. If we are going to articulate our priority for NIH, then we ought to put our money where our mouths are and put up the money to actually fund it.

I changed the thrust of the amendment, as noted, to move away from the tobacco reserve fund, because that is a giant pot we are talking about on the tobacco reserve, but I think it is pie in the sky. It is questionable, speculative and perhaps doubtful that those funds will be realized.

In making the plans for our subcommittee, I want to know where we stand. That is why we are talking about hard dollars in this amendment. It is not too hard to say, “Well, we’ll get it from the tobacco reserve fund, because it really is highly speculative as to whether it will ever exist.”

I believe that the identification of many of the genes by the National Institutes of Health, we are on the brink of conquering cancer, on the brink of conquering Alzheimer’s, on the brink of conquering Parkinson’s, on the brink of beating heart disease, on the brink of conquering AIDS, on the brink of conquering many of the maladies which afflict mankind, but it takes dollars.

When you allow 28 percent of the grants, that means 72 percent of the doors are closed; 72 percent which are not allowed. If we open those doors, I think we will be enormously productive in seeing to it that we make the maximum effort to pursue breast cancer and prostate cancer and cervical cancer and Alzheimer’s and a long list of maladies which confront us at the present time.

That is the essence of the amendment, Mr. President. I know my distinguished colleague, Senator Harkin, wishes some time, so let me inquire at this point how much time is left on the 15 minutes of allocation.

The PRESIDING OFFICER (Mr. IJSSEL). Eight minutes 20 seconds.

Mr. SPECTER. I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. SPECTER. Mr. President, I will have printed in the RECORD a “Dear Colleague” letter on the amendment which I had intended to offer, as I described earlier, opening the tobacco reserve to permit it to be used for biomedical research. This letter was circulated on March 31, 1998, cosigned by Senator Harkin, Senator Boxer, Senator Hollings, and myself. We had a list of some 18 cosponsors to Senate Resolution 170, which was a sense-of-the-Senate resolution which I had submitted earlier in the session.

It had been my intention to have a freestanding sense-of-the-Senate resolution to increase NIH funding by $2 billion. I had made an effort, with the cooperation of our distinguished majority leader, to have that listed as a freestanding resolution which I had hoped to bring to a vote before the budget resolution came up. We had anticipated voting on it on Monday or Tuesday, but it was not cleared. So we did not have an opportunity to bring up that resolution.

The point of the resolution was to see how many people would say, as a matter of principle, that this Senate, that they would support it, and contrast it to the number of people who would support the hard-dollar transfer. I do not know—the budget resolution moves so fast—how many more of the 18 who are cosponsors of Senate Resolution 170, that was defeated by a vote of the Senate, that will join here. These four Senators on this letter support increasing biomedical research by $2 billion.
by way of reductions in expenditures. I will just go through to give you examples. The President’s budget, in function 150, international affairs, reduced that total function by $530 million; function 300, that is the environment, a $260 million reduction; function 350, agriculture, a $170 million reduction; function 370, housing and commerce, that is $640 million; function 400, a $1.25 billion reduction.

They go on all the way through. And the subtotal in cuts is $7.83 billion. That means the President provided room for programs that he wanted and reduced these. What we have done in our budget resolution is we have taken these reductions but we have given different priorities to how we would spend the money.

I want to say to my good friend, Senator SPECTER, there is no one here who, when it comes right down to being in the trenches where you provide money for NIH, there is nobody who has been more consistent or had finer focus in his subcommittee, which covers a myriad of programs—education, NIH, and on and on—is a subcommittee that is constantly under pressure. I am not going to suggest, as some, that money comes and there is more and more money. Rather, I will say it is under difficult pressure because of the kinds of programs they have to fund. Having said that, in the budget resolution, where we have some responsibility to establish priorities, somewhere follows us and perhaps can change some, but we know that their subcommittee has most of the priorities that we are for and that he would like to fund. There is no other function with more priorities, other than perhaps the function of defense, which stands there singularly all the time.

What we did, we funded that program, because of its being a priority, by increasing significantly the NIH assumption for expenditures. We also increased in that function education because we knew that from the Republican standpoint we wanted to fund the disability program in education, and we wanted to fund some flexibility programs for the States so they could do some things on their own, being relieved of some mandates that we had given them.

In that alignment and that set of determining where we spend money and with the assumption we have provided in this budget resolution a larger increase in NIH, in the assumption for NIH—the assumption; the budget resolution isn’t binding—we have provided the largest increase of any domestic program that is appropriated. That amount is $1.5 billion in the first year. That is an 11 percent increase. Then, in estimating our assumptions for the remaining 4 years, we increase that a total of $15.5 billion for the premier institution researching health in the world, the American National Institutes of Health.

We do not determine in the budget resolution which of the numerous NIH activities get what amount of money. I have been to the subcommittee with the distinguished chairman presiding, making a very strong, strong pitch that we put more money in researching mental illness. He recalls that. We were able over the years to raise those funds. We are able to find $1 billion where I can give you two or three which are now on the cutting edge again and which have excited young scientists and the very best to get into fields they might not have that are critical to some of the enormous problems of the suffering of human beings, not only Americans but humans.

So I am an advocate. But I guess I would say, in a tight budget, “Enough is enough.” And $1.5 billion is enough; $15.5 billion over 5 years is enough. And I cannot do any better. I cannot make the funding any more sure in a budget resolution than I have done in this budget resolution. If Senator SPECTER is to try to make the NIH assumption it is to try to make it smaller. And his subcommittee gets an opportunity deciding among hundreds of programs how much the NIH gets. So that is one side of this coin.

Now, with every coin, there are two sides. When you add this to take away. Because the distinguished Senator did not try to break the budget. He did not try to break the caps, because he pledged last year—and he kept his pledge—that we would stay on this path of a balanced budget and the caps. There are some who would like to break the caps for any good proposal. The distinguished Senator from Pennsylvania is not doing that. He is saying, let us cut other domestic programs to pay for the new increase over and above the $1.5 billion that we provided.

And the Senator included defense in the .4 percent cut. So defense gets cut across the board, and domestic programs get cut across the board. So defense gets cut $1.1 billion over 1 year in order to pay for this $2 billion increase. I will just tick off some so everybody knows. The veterans get a $76 million reduction; the environment gets an $89 million reduction; agriculture, because it is smaller, gets a $17 million reduction; transportation, $160 million; and on and on.

It may very well be that the U.S. Senate today wants to say, in addition to what the budget resolution contains, with all the other programs being restrained dramatically, that in order to give it $2 billion more, we ought to do these things, including cutting defense $1.1 billion. I do not believe the Senate will do that. But if they choose to do that, then obviously the appropriators will have to give that every consideration. I feel that we can do the defense one, because we are already having a very difficult time meeting the defense needs with the numbers that are in the budget and the firewall that protects.

Let me just share a thought with the distinguished Senator. I say to Senator SPECTER, you said you want to do this to defense also. I would like you to think about that. In order if you do, then I believe the firewall prevails and you may have a supermajority requirement. But I leave that to you; that is not for me.

Having said what I have said, I do not want to detract from the fact that the National Institutes of Health are a fabulous community of the best scientists in the world. When you really look at what they are doing, they are on a course to cure many, many aspects of human suffering and human disease. When you add to what they are doing in the normal research, you add something like the genome mapping, the mapping of all the chromosomes of the human body, and those are being lost in terms of their relationship to disease. You have a formidable group of scientists and research equipment moving in a path of, perhaps, what may be called the generation yet to come, which will be a wellness generation. That could be, when the dread diseases are no more.

So I don’t want to sound like this is just a typical entity. It is a very prominent and important one. I do believe, consistent with limited resources and consistent with limited resources, we have limited resources. Some think they are taxed too much already. I believe the budget resolution treats this formidable research community fairly well.

I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. How much time remains on each side?

The PRESIDING OFFICER. Six and a half minutes.

Mr. SPECTER. Mr. President, if I may have the attention of the distinguished chairman, Senator HARKIN has made a request to have 5 minutes reserved and he is at another hearing. I wonder if we might accommodate him at a later time.

Mr. DOMENICI. You have 5 minutes remaining?

Mr. SPECTER. Yes.

Mr. DOMENICI. I will try to work it in.

Mr. SPECTER. I thank my distinguished colleague and friend, Senator DOMENICI, for his remarks. He has enumerated programs which will be cut. It is a matter of priorities.

When he has recited there is an assumption of $1.5 billion for the National Institutes of Health, I have to point out, because the Budget Committee assumes only an outlay increase of $350 million over the level from fiscal year 1998. There are also increases in education and child care programs. So there could not possibly be an increase in NIH without the increase of only $350 million in outlays.

As Senator DOMENICI has recited a number of cuts, let me just recite a
partial list of the people who come to me as chairman of this subcommittee, who want increases in funding for breast cancer, cervical cancer, colon cancer, Alzheimer's disease, cystic fibrosis, diabetes—including juvenile diabetes—kidney ailments, myotrophic lateral sclerosis, Parkinson's, scleroderma, epilepsy, heart disease, prostate cancer, pulmonary disorders, AIDS, osteoporosis, Huntington's disease, to mention only a few.

The fact is that many Senators receive statements and petitions from Alzheimer's or Parkinson's, AIDS, etc., et cetera. This is a matter of priority, pure and simple.

Senator Domenici is a valued member of the committee. He and I sit next to each other on the Appropriations Committee, have for years, and he comes and talks about mental illness programs. We have accommodated that as a very high priority. That is what the Senate has to do, establish the priorities. I say that it is worth the four-tenths of 1 percent cut across the board for this high priority for the National Institutes of Health.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico has 3 minutes left. Mr. DOMENICI. I reserve the remainder of my time, and I ask unanimous consent the 3 minutes remaining in opposition and 5 minutes remaining by the proponent be retained subsequent to the debate on the Kennedy amendment, which will not be repeated.

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

AMENDMENT NO. 2183

The PRESIDING OFFICER. The pending question now is the Kennedy amendment numbered 2183.

The Senator has 15 minutes to explain his amendment.

Mr. KENNEDY. I yield myself 5 minutes.

This sense of the Senate is very, very simple and, I believe, extraordinarily compelling. I find it difficult to understand why it would not be accepted.

I think the best way to really explain it is to go through the amendment itself, because it is so simple and so compelling. All we are saying is that it is a sense of the Senate that we should pass a patient's bill of rights.

It says that Congress finds that patients lack reliable information about health plans and the quality of care that health plans provide. We have had demonstrated this through a number of different hearings in the Labor Committee and in other Committees. Secondly, it says that experts agree that the quality of health care can be substantially improved, resulting in less illness and less premature death. We have heard this statement or similar statements from the business community, from the provider community, in hearings before the Presidential Commission and the Labor Committee, and in newspaper articles written by experts in the field of quality measurement and improvement. No one can argue with this finding.

Third, this amendment finds that some managed care plans have created obstacles for patients who need to see specialists on an ongoing basis and that some have required women to get permission from their primary care physician to see a psychiatrist. These were central findings, again, of the President's Commission on the Quality of Health Care and, again, these rights are overwhelmingly supported by the American people and by the doctors and other professionals who care for them.

Fourth, this amendment finds that the majority of consumers believe that health plans compromise their quality of care and that 60 percent of the patients studied are indicating that more than 80 percent of the American people have reached that conclusion. All you have to do is see the movie "As Good As It Gets," and see Helen Hunt's extraordinary performance that resulted in death or injury must be held accountable for those decisions.

Fifth, this amendment finds that the Federal Government under the Employee Retirement Income Security Act of 1974 prevents States from enforcing protections for 125 million workers and their families receiving health insurance through the employer-based group health plans. This factual statement has been repeatedly confirmed by the U.S. Department of Labor and by the courts. In fact, Federal judges have pleaded with Congress to fix ERISA. State insurance commissioners see these problems on a daily basis, but their hands are tied with respect to these plans. There is no reason at all to maintain this special exclusion for one group of health plans. Those who make medical decisions that result in death or injury must be held accountable for those decisions.

Sixth, Mr. President, the Advisory Commission on Consumer Protection and Quality in the Health Care Industries has unanimously recommended a patient's bill of rights to protect patients against abuses by health plans and health insurers. Let me repeat this—the President's Commission, which included representation from health plans, corporations, consumers, physicians and others, unanimously recommended that each patient be accorded the protections reported in their Bill of Rights. Regardless of whether they receive their health insurance through an employer or on their own.

So, this sense of the Senate says that the assumption underlying this resolution provides for enactment of legislation to establish a patient's bill of rights for coverage under health plans. Then, Mr. President, we point out very briefly exactly what those protections ought to be, and if there are Members in the Senate who want to differ with these, I welcome the opportunity to debate those or discuss them.

This amendment says that our legislation should include the following provisions.

First, a guarantee of access to covered services, including emergency care, specialty care, gynecological care for women, and prescription drugs. Does anyone really dispute that we ought to be able to ensure patients have access to the coverage and health care they need when they need it?

Second, provisions to ensure the special needs of women are met, including protecting women from being forced to endure drive-through mastectomies. There are more than half a dozen Members of the Senate who have various pieces of legislation to address that particular need. This sense of the Senate refers to those efforts.

Third, provisions to ensure the special needs of children are met, including access to pediatric specialists and centers of pediatric excellence.

Mr. President, this is an extremely important and significant need. All you have to do is listen to parents and pediatricians. Senator Reid is a leader in this particular issue. He knows the kinds of challenges that exist, particularly for newborn babies. It used to be that 90 percent of the kinds of health difficulties that newborns faced were excluded from any coverage of health insurance.

Some insurance forms say any particular needs of a child that occur within the first 10 days of life will be outside the coverage of this insurance policy. The fact of the matter is that as much of the difficulties occur during that period of time. But so many mothers do not know that. We are still facing very, very important needs in terms of protecting children in this country.

Fourth, provisions to ensure that special needs of individuals with disabilities and the chronically ill are met, including the possibility of standing referrals to specialists or the ability to have specialists act as the primary care provider.

Forcing a patient who has a legitimate need to see a specialist to jump through extra hoops before every appointment is counter-productive and more expensive in the long run. Persons with disabilities and chronic illnesses face these kinds of challenges every single day. They can cite chapter and verse about the various exclusions and barriers they face—not just physical barriers, but barriers put up by their health insurance. They have special needs and they need special protections.

Fifth, a procedure to hold health plans accountable for decisions and a procedure to provide for appeal of a health care decision to an independent impartial reviewer.

This is to make sure that when these accountants in many of the insurance companies say "no" to a patient—say that they are not entitled to that particular health care service—there is an appeal procedure that can bring about a timely and independent decision. I won't take the time now, nor do I have the time, to point out the number of...
individuals who have lost their lives or been permanently disabled because the plan’s accountant or an insurance executive turned thumbs down on a procedure recommended by the treating physician.

Six measures to protect the integrity of the physician-patient relationship, including a ban on gag clauses and on improper incentive arrangements.

We have had testimony time and again that doctors cannot tell the patients about all of their options because the plan denies them the chance to do so. That is absolutely, completely wrong. We have other instances where doctors have moved ahead and prescribed expensive treatment, only to effectively be dropped from the panels of various HMO’s. We want to protect the physicians in these circumstances. We want to permit the physicians to be able to do what they should be able to do, and that is to be able to prescribe medicine to the best of their abilities.

Finally, measures to provide greater information about health plans to patients and improve quality care.

Mr. President, that is the sum and substance of the amendment. I really question how anyone can take issue with the findings and how anyone can take issue with the kinds of protections that we believe ought to be accepted by the Senate and included in a patient bill of rights.

This particular measure has the strong support of the American Medical Association, and of the AFL-CIO. It has the support of the National Breast Cancer Coalition; It has the support of the National Mental Health Association, and the American Psychological Association; it has the support of the Consumers Union, and countless other consumer and patient groups representing hundreds of thousands of people.

So I hope that we can have this measure accepted as a sense of the Senate on this budget, and then we will go about the business of debating on the floor of the U.S. Senate the actual legislation that incorporates these provisions. If some Senators have better ideas and they want to adjust or change something, we will have the opportunity to do so. But let’s go on record at this time, on this occasion, to say that we want to make sure that the patients in this country are going to be guaranteed the kind of protections that we would want for every member of our families, and that we are going to put health care needs first, rather than the bottom line of the health insurance industry. Let’s say that we are going to permit our doctors, not industry accountants, to practice medicine.

Mr. President, I withhold the rest of our time.

The PRESIDING OFFICER. Who yields time?

Mr. DOMENICI. Mr. President, how much time remains on the proponents’ side?

The PRESIDING OFFICER. Seven minutes remain.

Mr. DOMENICI. There is a total of 15 on each side.

The PRESIDING OFFICER. The Senator is correct.

Mr. DOMENICI, Senator Don Nickles is on the way. I want to discuss the issue a little bit with the Senate.

Mr. President, my good friend, the distinguished Senator from Massachusetts, said that he doesn’t know how anyone could disagree with these findings—the findings of a national commission appointed by the President. Well, just so everyone understands, the very commission made the findings, and then the commission itself split on whether they should be put in law or not. So I say, with reference to a sense of the Senate and whether we ought to adopt them, at least we ought to start with the premise that half of a commission was concerned about the broad picture of health care costs in America and other things and suggested that perhaps it would be better not to put them in law but to handle them somewhat differently.

Let me talk a little bit about the upside of what is going on in America with reference to health care costs during this very short era when we have moved away from a fee for service toward managed care and HMOs. In doing that, let me hearken back to the joy that permeates this body and the American people when they hear that we have the budget under control. We are in an era of balance.

Mr. President, it is almost unequivocal that had we not gone to managed care and HMOs, we would not be celebrating a balanced budget today. That is because under the other system—and I note that the doctors support regulations under the doctor system, up, up and away went the costs. We had 3 or 4 years when the Federal Government’s accounts that paid for health care were going up, compounded in double digits every year, which meant that in short order you would not be able to pay for Medicare, you would not be able to afford Medicaid because, even if we had the ability to borrow and incur debt, the States would not have been able to pay for it. So, let’s make sure that everybody understands this short era of moving to managed care and HMOs has brought within the reach of many, many Americans and many American businesses health care coverage they could not have afforded under the old system.

As a matter of fact, it was interesting. As I listened to my friend from Massachusetts, I thought about a couple of speeches I gave when we were talking about our not being competitive with Japan and Europe. I was able to say to audiences that one of the reasons we are not competitive is because the automobile is carrying around in the trunk four times the health care costs the Japanese car is, because our health costs were so enormous as compared with theirs. I am not suggesting theirs is as good as ours, but neither am I suggesting that ours is four times theirs.

So I think when we talk about tying HMOs and managed care into some kind of rigidity in an effort to solve some problems that may be solved otherwise, we better be careful as to how much we do and how much we mandate versus how much we handle in other ways in an effort to get quality.

I also indicate, just by way of an observation, that it is a lot easier to find the shortcomings of HMOs and managed care than it was the old system, because this one is all focused in on management running a system. Before, it was hundreds and hundreds of doctors. To be able to focus on the lack of quality care is much easier. That works both ways. It is good because it can be to our advantage. But it ought to be easier to get quality care than it was before without having to write it into rigid law.

I note the presence of my friend, the Senator from Oklahoma.

Mr. President, it is almost unquotable that before we make it so impossible for managed care and health care to control costs within reason and deliver health care, everybody should understand that whatever we do we ought to get quality at the best price. We ought not get quality at the expense of those who are paying for it, and at the expense of the U.S. Government. That is what I think ultimately we should do when we get down to trying to legislate. This isn’t legislating. It is just us giving our opinion and our ideas as a Senate. When it comes right down to it, that is what we are going to be talking about sincerely in our committees and on the floor.

Mr. President, how much time do I have?

The PRESIDING OFFICER. The Senator has 9 minutes remaining.

The PRESIDING OFFICER. Mr. Kennedy yields time.

Mr. DOMENICI, I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY. Mr. President, how much time do we have?

The PRESIDING OFFICER. The Senator has 7 minutes.

Mr. KENNEDY. On the other side?

The PRESIDING OFFICER. Nine minutes.

Mr. KENNEDY. I yield 3 minutes to the Senator from Illinois.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBAN, I thank the Senator from Massachusetts.

Mr. President, I rise in support of this resolution. Members of the Senate and the House often wonder about America and the districts and States, and try to perceive the issues that American families care about. I invite the Members of the Senate to go to the movie theater and see “As Good As It Gets,” with the top actor award

"As It Gets," with the top actor award
going to Jack Nicholson and the top actress award going to Helen Hunt. At one point in this movie, Helen Hunt, the mother of an asthmatic child, vents on her beliefs about HMOs and managed care. Do you know what happens to people who are caught up with the bureaucracy of managed care?

I was at one point made by the Senator from New Mexico. Managed care is designed to reduce costs. The people who manage these systems are trying to reduce costs, reduce services, and, of course, maximize their profits. The tool offered by the Senator from Massachusetts looks at it from the perspective of the patient, of the family, and of the physician. Are we going to speak to that as well?

This goes beyond the bottom line. This is a basic question. If I go into a doctor’s office with my wife, myself, or one of my children, can I trust that doctor giving me advice based on his medical education and the science that he has mastered? Or is he telling me that the opinion for my family is one dictated by some manual, some code, some book out of a managed care office in some part of the country that bears no relationship to my personal need?

That is what this is about—the trust that we need to restore so patients seeing doctors know they are getting medical advice and not insurance recommendations.

Second, accountability—that these managed care plans are held accountable. Today, they dictate to doctors what they will do, the procedures that are allowed, where they will take place, and how long they will last. Forget the patient. We are talking about the bottom line. When they make a mistake—and sometimes these mistakes are fatal—they are not held accountable under the law.

What Senator KENNEDY is suggesting here is not only restoring the trust between doctors and patients but also restoring accountability in the system. So that when the managed care clerk-off somewhere in Omaha, NE, pages through the manual to decide your fate in that hospital bed they are held accountable—not just for the bottom line but what happens to your health, your family, and your future.

I am glad we are having this debate. I think this is just the opening salvo. For those who think everybody is rosy in America, American families could care less, and managed care is all perfect, please take a trip to the movie theater Good As It Gets.

Mr. DOMENICI. Mr. President, I yield 3 minutes to the distinguished Senator from Pennsylvania and the remainder of my time to Senator Nickles following that.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SANTORUM. Thank you, Mr. President.

I would just suggest that if you went to a movie theater you would not see a Government-regulated movie because no one would go to it because it would be of such poor quality. It would be so burdened down by bureaucracy and red tape that it simply could not produce the quality that the free market produces.

There have been dramatic changes in health care. This continues every day. I met the other day with the chairman of the national board that certifies health care plans. She told me they are constantly updating quality standards, constantly updating to see whether patients are getting the kind of care and access through these plans that are required. It is important to let this dynamic system of health care operate in the system of the free market which has brought us so far. Do not burden it down with all sorts of bells and whistles and bureaucracies and red tape that will just stiffen innovation, stiffen quality, produce a product in medicine, result in more uninsured, result in less comprehensive care. This is about patients.

Look, I am not a great fan of managed health care. But I am a fan of the marketplace getting the response. I would suggest that the Senator from Illinois knows that there are managers of health care companies who probably saw that movie. In fact, they didn’t have to see that movie. For example, the company in my office—and I know offices around this Capitol—and they have been going out in America getting the message. The Senator is right. A lot of people are upset about managed care. I am not a big fan of it, but I understand that, in time, the marketplace, the employers, and the employees will work much more effectively through that place in changing the system to produce quality where people will go somewhere else. If that happens, and it will, in fact, they are already. It is working out there. It takes time.

What we don’t need to freeze in place is some Government standard implemented by a bunch of bureaucrats who take 4 years to implement regulations to control something that is already out of date. Let the dynamism work. Don’t put the hand of the Federal Government over the system that has improved the quality of health care so dramatically in millions of people. Allow that system to continue to improve. Allow that system to continue to grow to serve more people more compassionately. Yes; there are problems. But don’t add the ultimate problem—Government suffocation to a dynamic system when coming “too late” is the operative word of the day.

Senator KENNEDY suggests that his bill is supported by the President’s commission. His hand-picked commission does not support the legislation that the Senator has proposed. He would give you that impression. They recommended no legislation. They recommended the marketplace. It is in the process of working. It is working. In many areas it is working, and will continue to work. Managed care is still a relatively new thing.

Again, I repeat, I am not a big fan of managed care. But it is new. It is important. Like any new idea, it takes time to work out the bugs and to get to the point where they are doing the kind of customer satisfaction and quality that we need. But the last thing we need is to put the Government in charge of managing plans.

One way the Government is in charge of regulating is what quality and what is not. Oh, my goodness. Compare any private sector organization on quality. Compare what goes on at HCFA, at the IRS, or a whole variety of other agencies. Are we now, in Government, the arbiters of quality? Think about that. Do you really want the Government of the United States through their regulation process to dictate to you what quality is? I don’t think so.

Mr. GRASSLEY. Mr. President, I rise in strong support of the Kennedy amendment, which expresses the sense of the Senate that we should pass legislation establishing a patients’ bill of rights.

Mr. President, legislation to reform the way health plans often treat patients is long overdue. The integrity of the doctor-patient relationship is being whittled away, and that must be stopped. For example, many health plan médecins are gagging doctors, preventing them from presenting their patients with all possible treatment options. That’s wrong.

Mr. President, Democrats have introduced a bill that would remedy many of the problems that consumers are facing in their managed care health plans. Our bill would put an end to drive-thru mastectomies. It would ensure that individuals with disabilities and others with special needs have direct access to doctors and others. And it would ensure that children have access to pediatric centers of excellence.

Mr. President, the American people are demanding that we enact a managed care reform bill this year. And that’s exactly what Senator KENNEDY’s amendment promises we will do. I commend the Senator for offering his amendment, and I urge all of my colleagues to vote for it.

Mr. GRASSLEY. Mr. President, I want the record to show that while I am not supporting the Kennedy amendment, I am supportive of many of the principles behind this amendment. I took the lead in sponsoring legislation (S. 701) last year to provide Medicare beneficiaries with consumer protections such as: (1) detailed comparative information and access to a 1-800 number for Medicare beneficiaries to choose the best health plan; (2) an expedited appeals process for urgent cases; (3) a prohibition on gag clauses that prevent doctors from informing patients of other treatment options; (4) access to specialty care when needed, with special attention to the chronically ill; and (5) limits on the
use of financial incentives by managed care plans. Many of these provisions were enacted in the Balanced Budget Act of 1997. Often, Medicare sets the example for the private sector, and this is my hope.

I believe consumers should have good information about their health plans; that they should have protections in place for a fair and timely appeals process; that they should have access to specialty care when needed; and that physicians should be able to discuss all treatment options with their patients.

Regulating the private sector is more difficult because regulations cost money. These costs are shifted onto employers and ultimately employees. I will want to evaluate proposed legislation based on the impact this will have on employees' health benefits. I do not want to do anything to increase the number of uninsured, which is as much as 45 million Americans who lack health coverage. I commend my colleagues from Massachusetts for raising this important issue, but as we all know "the devil is in the details." I would like this issue to be debated and for legislation to be passed. I have analyzed thoroughly for any unintended consequences to ensure that we are not doing more harm than good. We cannot afford to increase the number of uninsured and must be careful not to hurt those that currently have coverage.

Mr. NICKLES. Mr. President, how much time remains on both sides?

The PRESIDING OFFICER. Your side has 5 minutes. The other side has 4 minutes.

Who yields time?

Mr. KENNEDY. Generally speaking, Mr. President, the proponents should go last.

Mr. NICKLES. Mr. President, I will be happy to go. We generally alternate back and forth. It doesn't make any difference.

Mr. President, I rise in strong opposition to the Kennedy amendment. At a certain point the United States is going to be offering a second-degree amendment.

Senator KENNEDY's amendment—maybe I should read from it. It is a sense of the Senate that Congress should pass the bill called the "Consumer Bill of Rights." I believe.

Now, I might mention the Senator introduced this bill 2 nights ago. I have a copy of the bill which was introduced, the companion bill which is in the Presses. It is the Federal Government getting involved in many areas that possibly my colleagues haven't had a chance to examine. I know this bill has only been introduced for a couple days, but it is a pretty far-reaching bill. It is a bill that treats private plans the same as Federal union plans. It is a bill that says we in Government know best. It is a bill that has lots and lots of mandates. It is a bill that will increase the cost of health care. It is a bill that does not track the President's Commission on Quality Care.

I met with some of the Commission on Quality Care just recently. They didn't have a consensus to legislate. As a matter of fact, there was a push by the administration and others that we need to legislate a patients' bill of rights. But that was not the consensus of the commission. As a matter of fact, the commission itself did not recommend legislation. Yet even though the commission, which studied this issue for 10 months, didn't recommend legislation, here comes a bill, 68 pages, and now, without even having the ink dry on the bill, we have people saying let's pass it this way.

It has a great title. I agree it is a great title. I compliment my colleague from Massachusetts. Boy, any time you have a bill that has a bill of rights, it has to be good. Unfortunately, the closer you look at this legislation, it is not good. I don't think it is good if you increase costs for patients. I don't think it is good if you increase Federal mandates. I don't think it is good if you increase costs to where a lot of people cannot afford insurance. And I don't think there is a relationship between increasing regulations and increasing quality. As a matter of fact, it may be inversely related. Federal regulations and more money and resources that health care providers have, and instead of using those for providing quality, they are going to be using them to provide for compliances and health care quality goes down.

So while I compliment my colleague from Massachusetts for having a great title on this proposal that is only 2 days old, I don't think the Congress should be committing itself to passing it. I think it would be a serious mistake.

I might mention, this is not just the Senator from Oklahoma saying this. I am complimenting my colleague who has a copy of the bill which was recently introduced. However, the President's quality commission confirmed there is no consensus that Federal legislation introduced today by House and Senate Democrats is the way to achieve these best objectives. The AHA believes the private sector can and must meet the challenge to protect consumers and improving the quality of care. Federal legislation should be considered only if all private sector efforts fail.

We have not even given them a chance. We are saying we know best and we are going to mandate it. We are going to dictate it. Mr. President, I will reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. NICKLES addressed the Chair. The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Just a couple of comments.

My colleague said that the President's Commission on Quality endorses these proposals, but they specifically did not endorse legislation. There is a big difference. Do we want to encourage the private sector to improve quality and access and information? You bet. But when you come up with a 68-page bill and say here is what you must do, there is a difference. The President's commission did not say legislate. The Senator's sense-of-the-Senate says legislate. The underlying sense-of-
Mr. Domenici. Mr. President, I ask for the yeas and nays.

Mr. Kennedy. Mr. President, I have no objection, Mr. President.

The PRESIDING OFFICER. The Senate from Oklahoma has sent to the desk an amendment. If there is no objection, the clerk will report.

The legislative clerk read as follows:

The Senate from Oklahoma [Mr. Nickles] proposes an amendment numbered 2282.

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

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

AMENDMENT NO. 2282

(Purpose: To express the sense of the Senate concerning health care quality)

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

The PRESIDING OFFICER. Is there objection to consideration of the amendment?

Mr. Kennedy addressed the Chair. The PRESIDING OFFICER. The Senator from Massachusetts, as I had understood, there had been representations that were made that the Senator from Oklahoma would be able to get a vote on his amendment and then we would go ahead with a vote on my amendment, the Kennedy-Durbin-Boxer amendment. That is my understanding. If my understanding is correct, I have no objection. Is that the case?

Mr. Nickles. That is correct.

Mr. Kennedy. I have no objection, Mr. President.

The PRESIDING OFFICER. The Senator from Oklahoma has sent to the desk an amendment. If there is no objection, the clerk will report.

The legislative clerk read as follows:

The Senator from Oklahoma [Mr. Nickles] proposes an amendment numbered 2282.

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

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

The amendment is as follows:

The amendment is as follows: Strike all after the first word and insert the following:

SENSE OF THE SENATE CONCERNING A PATIENT'S BILL OF RIGHTS.

(a) FINDINGS. The Senate finds that—

(1) patients lack reliable information about health plans and the quality of care that health plans provide;

(2) experts agree that the quality of health care can be substantially improved, resulting in less illness and less premature death;

(3) some managed care plans have created obstacles for patients who need to see specialists on an ongoing basis and have required that women get permission from their primary care physician before seeing a gynecologist;

(4) a majority of consumers believe that health plans compromise their quality of care to save money;

(5) Federal preemption under the Employee Retirement Income Security Act of 1974 prevents States from enforcing protections for the 125,000,000 workers and their families receiving health insurance through employment-based group health plans; and

(6) the Advisory Commission on Consumer Protection and Quality in the Health Care Industry has unanimously recommended a patient bill of rights to protect patients against abuses by health plan and health insurance issuers.

(b) SENATE RESOLUTION.—It is the sense of the Senate that the assumptions underlying this legislation provide for the enactment of legislation to establish a patient's bill of rights for participants in health plans, and that legislation should include—

(1) a guarantee of access to covered services, including needed emergency care, specialty care, and behavioral health care, and prescription drugs;

(2) provisions to ensure that the special needs of women are met, including protecting women against "drive-through mastectomies";

(3) provisions to ensure that the special needs of children are met, including access to pediatric specialists and centers of pediatric excellence;

(4) provisions to ensure that the special needs of individuals with disabilities and the chronically ill are met, including the possibility of standing referrals to specialists or the ability to have a specialist act as a primary care provider;

(5) a procedure to hold health plans accountable for their decisions and to provide for the appeal of a decision of a health plan to deny care to an independent, impartial reviewer;

(6) measures to protect the integrity of the physician-patient relationship, including a ban on "gag clauses" and a ban on improper incentive arrangements; and

(7) measures to provide greater information about health plans to patients and to improve the quality of care.

(8) a requirement that the network of providers included in the plan are adequate to ensure the provision of services covered by the plan.

The PRESIDING OFFICER. The amendment is as follows: Strike all after the first word and insert the following:

SENSE OF THE SENATE CONCERNING A PATIENT'S BILL OF RIGHTS.

(a) FINDINGS. The Senate finds that—

(1) patients lack reliable information about health plans and the quality of care that health plans provide;

(2) experts agree that the quality of health care can be substantially improved, resulting in less illness and less premature death;

(3) some managed care plans have created obstacles for patients who need to see specialists on an ongoing basis and have required that women get permission from their primary care physician before seeing a gynecologist;

(4) a majority of consumers believe that health plans compromise their quality of care to save money;

(5) Federal preemption under the Employee Retirement Income Security Act of 1974 prevents States from enforcing protections for the 125,000,000 workers and their families receiving health insurance through employment-based group health plans; and

(6) the Advisory Commission on Consumer Protection and Quality in the Health Care Industry has unanimously recommended a patient bill of rights to protect patients against abuses by health plan and health insurance issuers.

AMENDMENT NO. 2281

(Purpose: To express the sense of the Senate concerning health care quality)

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

The PRESIDING OFFICER. Is there objection to consideration of the amendment?

Mr. Kennedy addressed the Chair. The PRESIDING OFFICER. The Senator from Massachusetts, as I had understood, there had been representations that were made that the Senator from Oklahoma would be able to get a vote on his amendment and then we would go ahead with a vote on my amendment, the Kennedy-Durbin-Boxer amendment. That is my understanding. If my understanding is correct, I have no objection. Is that the case?

Mr. Nickles. That is correct.

Mr. Kennedy. I have no objection, Mr. President.

The PRESIDING OFFICER. The Senator from Oklahoma has sent to the desk an amendment. If there is no objection, the clerk will report.

The legislative clerk read as follows:

The Senator from Oklahoma [Mr. Nickles] proposes an amendment numbered 2282.

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

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

The amendment is as follows:

At the appropriate place, insert the following:

SEC. 1. SENSE OF THE SENATE ON HEALTH CARE QUALITY

(a) FINDINGS. The Senate makes the following findings:

(1) Rapid changes in the health care marketplace have compromised confidence in the nation’s health system.

(2) American consumers want more convenience, fewer hassles, more choices, and better service from their health insurance plans.

(3) All Americans deserve quality-driven health care supported by sound science and evidence-based medicine.

(4) The Federal Government, through the National Institutes of Health, supports research that improves the quality of medical care that Americans receive.

(5) This resolution assumes increased funding for the National Institutes of Health for the fiscal year 1998.
Hon. DON NICKLES, Assistant Majority Leader, U.S. Senate, Washington, DC.

DEAR SENATOR NICKLES: We understand that Senator Kennedy intends, during Senate floor debate on the Budget Resolution, to offer an amendment placing the Senate on record as supporting enactment of the provisions incorporated in the Patients’ Bill of Rights legislation introduced by Senator and House Democrats yesterday. It is critical that the Senate strongly oppose this amendment.

The approach toward health care embodied in the Kennedy amendment is exactly the wrong medicine for our health care system. The Democrats’ bill introduced yesterday would raise costs, increase the numbers of uninsured people and eliminate consumer choices.

A vote for the Kennedy amendment is a vote for greater involvement by lawyers and bureaucrats in the health care system. To improve American health care, we need to empower individuals, not government. We need every medical dollar to go to medical services—not to lawyers and legal fees. The bureaucratic regulations that would result from the Democrats’ patients’ bill of rights legislation would add unnecessary complexity to the health care system. Complexity steals time from patients and forces health care providers to focus on regulatory compliance instead of improving the quality of care.

The Chamber of Commerce of the United States, which represents companies throughout the country says:

We urge your opposition to an amendment expected to be offered by Senator Kennedy to the budget resolution today expressing the sense of the Senate that a patient bill of rights proposal should be enacted this session.

The goal of improving health care quality can be better achieved through the power of the marketplace.

The National Federation of Independent Business says:

The Kennedy amendment would dangerously place the Senate on record in support of health care mandates prior to care-fully examining the issues of cost, coverage, regulation and litigation. Additionally, it is premature given the work of respective health care task force groups in the Senate and the House and private sector efforts. Thus, we hope you will not rush to legislate on the basis of antedotes rather than sound decision-making. Big Government mandates subvert health care and private sector innovations currently taking place in the private health care market are the wrong prescriptions for America’s health care system.

Also, I have a letter from the Council on Affordable Health Insurance:

Bill of rights is a cruel hoax when the cost of those rights will result in health insurance which is unaffordable for those privately purchasing or causes employers to drop health insurance coverage altogether. Both Congress and the States have enacted laws to make health insurance accessible to almost every American who seeks coverage. Access to health insurance is meaningless if Congress makes it unattainable because of regulations placing it financially out of reach for many Americans.

I ask unanimous consent that these letters be printed in the RECORD.

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

HEALTHCARE LEADERSHIP COUNCIL, Washington, DC, April 1, 1998.

Hon. DON NICKLES, Assistant Majority Leader, U.S. Senate, Washington, DC.

DEAR SENATOR NICKLES: We understand that Senator Kennedy intends, during Senate floor debate on the Budget Resolution, to offer an amendment placing the Senate on record as supporting enactment of the provisions incorporated in the Patients’ Bill of Rights legislation introduced by Senator and House Democrats yesterday. It is critical that the Senate strongly oppose this amendment.

The approach toward health care embodied in the Kennedy amendment is exactly the wrong medicine for our health care system. The Democrats’ bill introduced yesterday would raise costs, increase the numbers of uninsured people and eliminate consumer choices.

A vote for the Kennedy amendment is a vote for greater involvement by lawyers and bureaucrats in our health care system. To improve American health care, we need to empower individuals, not government. We need every medical dollar to go to medical services—not to lawyers and legal fees.

The bureaucratic regulations that would result from the Democrats’ Patients’ Bill of Rights legislation would add unnecessary complexity to the health care system. Complexity steals time from patients and forces health care providers to focus on regulatory compliance instead of improving the quality of care.

As you know, the members of the Healthcare Leadership Council are the chief executives of the nation’s leading health care companies and organizations, America’s health care innovators. We are working toward a market-based approach to making health care more accessible, more affordable and of the highest quality for all Americans.

Again, we strongly urge the Senate to reject the government micromanagement approach to health care that is embodied in the Kennedy amendment.

Sincerely,

PAMELA G. BAILEY, President.
To Members of the U.S. Senate:

The U.S. Chamber of Commerce—the world’s largest business federation, representing more than three million businesses and organizations of every size, sector, and region—strongly opposes proposals that will increase the cost of health coverage. We urge your opposition to an amendment expected to be offered by Senator Kennedy to the Budget Resolution today expressing the sense of the Senate that a patient bill of rights proposal should be enacted this session.

Health care reform easily has been one of the most emotional, complex and divisive domestic issues facing our nation. Many members of Congress have responded by considering a wide variety of proposals to regulate the health care marketplace, impose additional mandates, or most dangerously to expand medical malpractice liability. The Chamber strongly opposes these measures and may consider votes in connection with these proposals for inclusion in our annual “How They Voted” voting guide.

“Patient bill of rights” proposals—such as that advocated by a majority of the deeply flawed Clinton managed care commission—more often than not are provider than policy protections. Higher costs for health coverage will be the certain result of further government micro-management of the health care marketplace. Free enterprise and enterprise-limited litigation lowering health coverage less affordable and available to small businesses and individuals. Of what use is the “perfect” health plan if businesses cannot afford to offer or employees cannot afford to accept health coverage?

The goal of improving health care quality can be better achieved through the power of the marketplace. The Chamber has joined other members of the business community in forming the Employer Quality Partnership, a new coalition intended to empower the health care purchaser—whether employer or individual consumer—with the tools necessary to evaluate health plan quality in a changing marketplace. In addition, we strongly supported the development of the American Association of Health Plan’s Patients First initiative.

The Kennedy amendment is, at best, premature given the work of the respective health care taskforce groups in the Senate and House and private sector efforts like the Employer Quality Partnership and Patients First. We urge you not to commit today to legislation that will certainly prove a losing proposition tomorrow.

Sincerely,

R. Bruce Josten, Executive Vice President

THE HEALTH BENEFITS COALITION

AFFORDABLE CHOICE & QUALITY

Washington, DC, April 1, 1998.

Dear Senator Nickles:

We urge your opposition to an amendment to be offered by Senator Kennedy to the Budget Resolution today putting the Senate on record in favor of passage of so-called “patient protection” legislation. The Health Benefits Coalition agrees with you that Congress’ first obligation is to Do No Harm. Our view that this amendment would be hurt by any health care mandate that increases premiums on American families, reduces coverage or causes a new wave of costly litigation and regulation.

Concerns about congressional action increasing costs and reducing coverage are well-founded. An example is the Democrats’ Patient Protection Health Insurance Act proposed yesterday, which combines many of the worst elements of so-called “patient protection” proposals. It would result in further government micro-management of the health care marketplace and increased litigation, making health coverage less affordable and available to small businesses and individuals.

Ironically, by increasing costs and forcing millions of low-wage workers to choose between higher premiums or dropping coverage for their families, the Democrat proposal would hurt the very people who need help the most. Studies show that last year six million Americans declined health insurance, leaving 43 million Americans who are “more likely to be young, Hispanic or black, or unmarried and have low wages or low education levels.” (Health Affairs, Vol. 16, No. 2, p. 10, February/March 1997)

America has the finest health care system in the world because our private health care market—unlike a government run system—improves to meet consumers’ needs. There is much that is currently being done voluntarily by health care plans and employers throughout the marketplace to improve the quality of care. However, if we trade the innovation and excellence of our private health care system for the regulation of a government-run system, the very essence and innovation will be stifled. Furthermore, it won’t be doctors making decisions about our health care—it will be Washington.

The Chamber believes any new mandates or requirements that would dangerously place the Senate on record in support of health care mandates prior to carefully examining the issues of cost, coverage, regulatory and fiscal implications, must be withdrawn. The increases given the work of the respective health care taskforce groups in the Senate and House and private sector efforts. Thus, we hope you will not rush to legislate on the basis of anecdotes, rather than sound decision-making. Big government mandates, which substitute government intervention over the private sector, are not the answer. The American people want and deserve a health care system that improves quality of care. However, if we trade the innovation and excellence of our private health care system for the regulation of a government-run system, the very essence and innovation will be stifled. Furthermore, it won’t be doctors making decisions about our health care—it will be Washington.

Mr. KENNEDY. I yield myself 7 minutes.

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

Mr. KENNEDY. I yield myself 7 minutes.

Mr. KENNEDY. I yield myself 7 minutes.

Mr. KENNEDY. I yield myself 7 minutes.

Mr. KENNEDY. I yield myself 7 minutes.
I yield 5 minutes to the Senator from California.

The PRESIDING OFFICER. The Senator from California is recognized.

Mr. DURbin thanked the Senator from California.

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

I yield 5 minutes to the Senator from Oklahoma.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. NICKLES. Thank you, Mr. President.

The PRESIDING OFFICER. The Senator from Pennsylvania has the floor.

Mr. NICKLES. Mr. President, I am just going to read a couple of stories to illustrate why we need a patient bill of rights and a patient bill of abuses.

I am going to read some stories to give you a sense of what we are dealing with today.

We have a case of Mr. Christie, a man who had a very rare cancer. He went to see a pediatrician, and the pediatrician said, "You can't do anything. This is the only coal that we have to deal with."

The woman who needs an OB-GYN—and many of us use our own OB-GYNs as our first line of support. We do not go to an internist, should not have to go through a gatekeeper, to get that kind of help. So we have an opportunity today to support both the Nickles amendment and the Kennedy amendment. We have an opportunity to say that patients in America who pay premiums deserve to have the quality of care that they were promised.

Mr. DURbin. Mr. President, I yield the floor to the Senator from Tennessee.

Mr. NICKLES. Thank you, Mr. President.

In this case of looking at the HMO issue, I met a gentleman named Harry Christie from Woodsdale, CA. He had a daughter who, at age 9, developed a very rare cancer. And it required a very delicate operation that could really only be performed by a surgeon who had experience in dealing with what they call Wilms tumors.

So Mr. Christie, as any parent, loving his child with all of his soul, went to the HMO and said, "I want to do this operation and find out who they were, went to his HMO, and said, "I assume that you will pay for a specialist to perform this delicate operation on my daughter." The HMO said, "Sorry, Mr. Christie, we do not have a specialist on our staff. You will have to take a general surgeon, a very good general surgeon, or you will have to simply pay for this out of your own pocket.

Mr. Christie made the argument to no avail: "This is my child. She is 9 years old. This is a delicate operation. This is a rare tumor. And I will not have my daughter's life on the line. I will have the experience, no matter how good a surgeon, take a knife to my child." Well, they said, "You're out of luck." Mr. Christie had to come up with $50,000, and he did. Years later, his daughter is now 14. She still has cancer, but she has had a successful operation. What if Mr. Christie had not been able to come up with the $50,000? She may never have recovered.

What is it that we are doing here? We are going to vote not only this afternoon, but we are going to vote continuously in this Congress until we pass this legislation.

This afternoon is the first time.

But I certainly hope that Senator NICKLES amendment will be supported, and I hope that we have the attention of the Senator from Oklahoma, that he will accord the same courtesy and support to our amendment as well, and we will have a happy afternoon here together.

The PRESIDING OFFICER. The Senator from California is recognized.

The PRESIDING OFFICER. The Senator from Oklahoma has the floor.

Mr. NICKLES. Thank you, Mr. President.

The PRESIDING OFFICER. The Senator from Tennessee has the floor.

Mr. DURbin. Thank you, Mr. President.

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

I yield the floor to the Senator from Massachusetts.

Mr. KENNEDY. Thank you, Senator.

Mr. KENNEDY. Mr. President, I yield the floor to the Senator from California.

Mrs. BOXER. Thank you very much, Mr. President.

I yield 5 minutes to the Senator from Oklahoma.

Mr. NICKLES. Thank you, Mr. President.

I think we should vote for the Nickles amendment and then for the Kennedy amendment.

I want to tell a couple of stories, because they really illustrate why the Kennedy amendment is so important.

In the course of looking at the HMO issue, I met a gentleman named Mary Christie from Woodsdale, CA. He had a daughter who, at age 9, developed a very rare cancer. And it required a very delicate operation that could really only be performed by a surgeon who had had experience in dealing with what they call Wilms tumors.

So Mr. Christie, as any parent, loving his child with all of his soul, went to the HMO and said, "I want to do this operation and find out who they were, went to his HMO, and said, "I assume that you will pay for a specialist to perform this delicate operation on my daughter." The HMO said, "Sorry, Mr. Christie, we do not have a specialist on our staff. You will have to take a general surgeon, a very good general surgeon, or you will have to simply pay for this out of your own pocket.

Mr. Christie made the argument to no avail: "This is my child. She is 9 years old. This is a delicate operation. This is a rare tumor. And I will not have my daughter's life on the line. I will have the experience, no matter how good a surgeon, take a knife to my child." Well, they said, "You're out of luck." Mr. Christie had to come up with $50,000, and he did. Years later, his daughter is now 14. She still has cancer, but she has had a successful operation. What if Mr. Christie had not been able to come up with the $50,000? She may never have recovered.

What is it that we are doing here? We are going to vote not only this afternoon, but we are going to vote continuously in this Congress until we pass this legislation.

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But I certainly hope that Senator NICKLES' amendment will be supported, and I hope that we have the attention of the Senator from Oklahoma, that he will accord the same courtesy and support to our amendment as well, and we will have a happy afternoon here together.

I yield 5 minutes to the Senator from California.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. BOXER. Thank you very much, Mr. President.

I yield 5 minutes to the Senator from Oklahoma.

Mr. NICKLES addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. NICKLES. I yield to the Senator from Tennessee 4 minutes. How much time remains on our side?

The PRESIDING OFFICER. The Senator has 10 minutes 15 seconds.

We held a press conference on this important bill that we hope will pass the U.S. Senate soon. And we heard over satellite from a gentleman named David Garvey from Illinois. He had an HMO. He thought it was great. Every one loves their HMO until they get sick. Then, unfortunately, too many find out it was not what they thought it would be. What happened to this family is, Barbara Garvey, his wife of 30 years, got a very rare immune condition. She was on vacation in Hawaii. And the HMO said, "No, no, no. We cannot treat her in Hawaii. She has to be flown on a commercial airplane, at your expense, back to Illinois." Well, to make a very sad story shorter, she never survived that experience because her immune system was so damaged in this particular anemia condition that she could not withstand the infections that she got on that airplane.

We have to take action. There is nothing in the Nickles amendment that disturbs me at all. Of course, when we take action, it ought to be with all the concerns that Senator NICKLES puts in. Of course we should not fix a plan because of political reasons—I do not even know what that means—but we should do it because we want to help the people of this country get quality health care. That means specialists, and that means, as Senator KENNEDY has pointed out, a plan where doctors will not be gagged. We do not want doctors gagged. We want doctors to be able to tell you the truth about your condition. And if there is a remedy that might be a little more expensive, you deserve the right to know. That is in the Kennedy amendment.

A woman who needs an OB-GYN—and many of us use our own OB-GYNs as our first line of support. We do not go to an internist, should not have to go through a gatekeeper, to get that kind of care. So we have an opportunity today to support both the Nickles amendment and the Kennedy amendment. We have an opportunity to say that patients in America who pay premiums deserve to have the quality of care that they were promised. This is a chance for us to make that statement. I hope we will cross over party lines on both these amendments and go home feeling we have made a statement that is important to the American people and follow it up with real action on a real patients' bill of rights.

I yield back my time to Senator KENNEDY.

Mr. NICKLES addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. NICKLES. I yield to the Senator from Tennessee 4 minutes. How much time remains on our side?

The PRESIDING OFFICER. The Senator has 10 minutes 15 seconds.
Mr. FRIST addressed the Chair.

The PRESIDING OFFICER. The Senator from Tennessee is recognized.

Mr. FRIST. I rise to speak in favor of the amendment from the Senator from Oklahoma and in opposition to the amendment of the Senator from Massachusetts.

The amendment of the Senator from Oklahoma, which I think we are going to have widespread agreement on, basically says that—

... the Senate will not pass any health care legislation that will—

... impose political considerations on clinical decisions, instead of allowing such decisions to be made on the basis of sound science and the best interest of patients.

I would like to take the time and say why passage of the Nickles amendment means we should defeat the Kennedy amendment. Basically, physicians do not treat patients unless we know that the anticipated risks to that patient are outweighed by the benefits. If we were to adopt the amendment from Massachusetts, the Senator from Massachusetts, those unintended disadvantages would far outweigh the good intentions that we have.

No. 1 is the issue of cost. We know that the mandates that we are mandating benefits today the cost of health insurance goes up. When health insurance goes up, those hard-working men and women, the single mom, working mom with the child, cannot have her health insurance.

So we feel good because we are out there arguing quality. However, what we are really doing is putting mandates on the American people. I can guarantee you, because the data shows it, we drive health care costs up when we impose mandates. Who is hurt? The people we think we are helping—the working poor people who are out there.

A study by the Lewin Group showed that a 1 percent increase in premium implies that 200,000 people will lose their insurance. In fact, they said 200,000 to 400,000 people will lose their insurance. Yet, when we hear a little increase of 1 percent in your insurance premium we think anybody can take that. They do not. People will lose their insurance with these mandates. We can look at the comments, the comments, which the Nickles resolution does, not to pass legislation that drives the price of health care costs up and makes the uninsured a bigger problem.

No. 2, good science. We need good science. Some mandates in some cases may be OK, but let us base that on good science where we are really helping people.

Length of stay—mastectomy. Let me point out length of stay, how long you stay in a hospital, is not even mentioned in the current NHII consensus statement and guidelines for the management of breast cancer. In the guidelines that were determined by consensus to effect quality of care, the length of stay is not mentioned. In fact, in this particular bill where we talk about length of stay, length of stay is not necessarily the right issue.

A 1996 study of 325 women who underwent mastectomies at Henry Ford Hospital in Michigan reported increased quality, accelerated physical recovery, earlier return to occupational activities, and numerous improved psychological advantages.

My point is that when talking quality, this rubric of quality, we need to look at critical quality issues. Inpatient versus outpatient isn’t necessarily a quality issue. It is an oversimplification. There are numerous studies.

A 1995 study at the New Jersey College of Medicine of 133 women who underwent outpatient partial mastectomies showed a lower rate of postoperative infection and a higher rate of satisfaction in comparison to a group having surgery on an inpatient basis.

In addition, the amendment itself also has other mandates, mandating reimbursement for prescription drugs. That is something we do not even do. If you mandate coverage for prescription drugs, I will guarantee you, you are going to drive the cost of health care insurance up to the point that you are going to be driving people out of the marketplace where they will not have access to even an adequate level of health care.

Thus, in closing, I rise to support—and I hope we will have a 100–0 vote for the Nickles amendment. Listen to what the Nickles amendment says. Let us not hurt quality of health care when we think we are helping it.

I yield the floor.

The PRESIDING OFFICER. Who yields the time?

Mr. NICKLES addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. I yield the Senator from Maine. The PRESIDING OFFICER. The Senator from Oklahoma has 6 minutes. The Senator from Maine is recognized.

Ms. COLLINS. Thank you, Mr. President.

All of us agree that medically necessary patient care should never be sacrificed to the bottom line, and that medical decisionmaking should remain in the hands of medical professionals, and not in the hands of accountants. The question is, how can we best achieve that goal? Is the answer, as the Senator from Massachusetts suggests, massive new Federal regulations, mandates, and a preemption of the State’s traditional role to regulate insurance? No, the answer is, in the private sector organizations that have made great progress in improving the quality of health care plans? Or is, perhaps, the answer somewhere in between? Is the answer carefully crafted, minimal Federal legislation that supports the efforts in the private sector?

The reason this issue is so important is because we don’t want to take a misguided step in the name of improving quality and end up making health insurance unaffordable for millions of Americans.

The Lewin Group recently released an important study that deserves the attention of all of us. It estimates that every 1 percent increase in private insurance premiums results in an additional 400,000 Americans who become uninsured. A 1 percent increase in costs brings 400,000 additional uninsured Americans.

Health insurance rates are already projected to increase by more than 5 percent in 1998. In fact, the Los Angeles Times reported earlier this week that California’s largest HMO was seeking an 11 percent increase in some rates. Therefore, we face an extremely delicate balancing act as we attempt to respond to concerns about quality without resorting to unduly burdensome Federal Government controls and mandates that will further drive up the cost of insurance and reduce access. Furthermore, we want to make certain that our efforts actually improve the quality of health care and not simply increase the amount of Federal regulation.

Under the leadership of the Senator from Oklahoma, I serve on the Republican health quality task force. We recently heard from the Mayo Clinic, which voices their own reservations about the Federal Government’s ability to regulate quality. To quote Dr. Bob Waller:

Quality is a continuous process that must be woven into the fabric of how we think, act, and feel. Government regulation places a stake in the ground that freezes in place a quality standard that may become obsolete very quickly. The Government simply cannot react quickly to the changing quality environment. The goal of quality is to continuously improve patient care—not to achieve some defined regulatory standard having the time allotted to the Senator has expired.

Ms. COLLINS. I urge my colleagues to join me in supporting the amendment offered by the Senator from Oklahoma.

The PRESIDING OFFICER. The time allotted to the Senator has expired.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KENNEDY. How much time remains?

The PRESIDING OFFICER. The Senator has 4 minutes 53 seconds.
Mr. KENNEDY. Mr. President, I yield myself 2 minutes.

I urge our colleagues to support the Nickles amendment. I have outlined, as the Senator has, and, while I disagree with some of his statements, I think the Senator did go on record in favor of it. But I also invite others to support the amendment offered by myself, Senator DURENH, Senator BOXER and others, which basically says the Senate should pass a patients’ bill of rights. Our amendment and the rights embodied in the proposed PCRAA are fundamental things.

As we know around here, if you don’t have a remedy for a right, you don’t have a right. We have a Bill of Rights that we have enshrined in the Constitution of the United States. We have that to ensure all of our rights. All we are saying now is let us go on record in support of the rights that are included in this sense of the Senate.

This amendment says that we will protect women from being thrown out of work after a mastectomy and against the advice of their physician. We will assure that women are going to be able to get direct access to the gynecological and obstetrical care they need. These are rights that many Americans have already offered. With this amendment, we will make sure that they are realized.

We will make sure that children with special needs have access to qualified pediatric specialists. We will make sure that we protect the rights of persons with disabilities. These rights are written in some of the various insurance policies, but too often they are not realized. We want to make sure that every American, if they have a heart attack or a stroke, can go to the nearest emergency room.

Here are the basics, and they have been undisputed. No one has challenged that. Let’s get aboard and say let us, in this Congress—Republicans and Democrats together—that will protect those consumers. That is what the President’s commission did unanimously. It said these ought to be the rights of every single American. We have a chance this afternoon for the Senate of the United States to say “yes.” Every good plan already provides these rights. Consumers need protections against those insurance companies who put profits ahead of patients. Many organizations representing patients and doctors are on our side. Only those who profit from the current abuse are opposed to us.

I hope the Senate will go in favor of this resolution.

I yield the remaining time to the Senator from West Virginia.

The PRESIDING OFFICER. The Senator from West Virginia has 2 minutes.

Mr. ROCKEFELLER. I thank the Senator from Massachusetts for his, as usual, stalwart defense of what is right in health care legislation. I yield the referral of the Senator from Maine to the increased number of uninsured, which has always been put out by those—particularly the insurance companies—who oppose any kind of adding on to health care coverage or the quality of health care coverage in this country.

It is the oldest irony in the books. They have never supported anything, anything that I can remember, over the last 20 years that increased health insurance coverage. They have opposed everything. She quotes them—and she was even shot down by the Republican appointed CBO Director June O’Neill, who says in her letter, “CBO has not estimated how much increased health coverage [the bill referred to in the estimates under discussion] might affect the number of people covered by insurance.”

So on the one hand there is no argument, there is no case to be made about the increase; and secondly, in talking about this consumer bill of rights, we are talking about very, very fundamental things.

“Had I to take my own son into an emergency room within the last 2 weeks at Sibley Hospital. There was nobody in the emergency room except us. It was held open, Sibley Hospital, because it was open and we were able to take advantage of it. It is the most important room in a hospital. This bill would guarantee that this room would be open for everybody in America—not just people named Rockefeller or Kennedy—24 hours a day, 365 days a year. That is necessary.

“I have another relative who has been through mastectomy. She says mastectomy quality is going up and people are not being urged to get out of hospitals simply don’t know the facts because I have seen otherwise and I know otherwise.

I suggest we support the amendments of the Senator from Oklahoma and that we support the Senator from Massachusetts, both.

The PRESIDING OFFICER. The time of the Senator from Massachusetts has expired.

The Senator from Oklahoma has 2 minutes remaining.

Mr. NICKLES. I appreciate the fact that my colleagues on the Democratic side say they will support our amendment, but I want to inform them that our amendment is in direct contradiction with their amendment.

Our amendment says we shouldn’t do anything to increase health care costs. My colleagues want to say that the proposal by the Senator from Massachusetts doesn’t increase costs. They can say it, but it is not true.

The facts are the Lewin Group, for example, did a study on the so-called PARCA bill and said it increased costs 21 percent. Granted the bill that the Senator introduced 2 days ago and is calling upon the Senate to pass may not be exactly the same thing, but it has a lot of common elements, and it will increase costs.

The Nickles resolution says we shouldn’t increase costs because that increases uninsured. Common sense. And it says we shouldn’t require health care providers to spend a lot of money defending themselves instead of providing quality care.

The proposal by my colleague from Massachusetts refers to the patient bill of rights. His bill of rights says we should pass legislation. I mention that the President’s commission did not say we should pass legislation. They are not consistent. Should we try to improve quality care? Sure. Should we pass legislation mandating a fixed definition of quality care? I don’t think so.

To give an example, a letter from Bob Waller of Mayo Clinic says, “Providers of care are in the unique position based on the commitment to the well-being of the individual patient to drive quality improvement initiatives. Nothing could stifle innovation quicker than external mandatory standards.” Now, that is not from some insurance carrier. That is the director of the Mayo Clinic, one of the top providers of quality health care in the world.

The Cleveland Clinic states:

We are already subject to extensive Federal, State and private regulations through oversight by private payors and accreditors. Adding yet another layer of regulation will only further complicate matters, add administrative costs to our organization, and in all likelihood have little or no effect on the actual quality of care provided.

I ask unanimous consent to have these statements printed in the RECORD.

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

MAYO CLINIC

Mayo Clinic, Baylor Health Care System, and the Cleveland Clinic are all raising their voices in opposition to federal regulation of health care quality.

Dr. Bob Waller of the Mayo Clinic has stated: “Quality is a continuous process that must be woven into the fabric of how we think, act and feel. Government regulation places a stake in the ground that freezes in place a quality standard that many become obsolete very quickly. The government simply cannot react quickly to the changing quality environment. The goal of quality is to continuously improve patient care—not to achieve some defined regulatory standard.”

BAYLOR HEALTH CARE SYSTEM

“There has been an enormous commitment on the part of Baylor Health Care System and providers throughout the country to evaluate and put in place the processes for continuous quality improvement. We believe it must be done at this level. Providers of care are in the unique position, based on their personal commitment to the well-being of the individual patient, to drive quality improvement initiatives. Nothing could stifle innovation quicker than external mandatory standards.”

CLEVELAND CLINIC

“We are already subject to extensive federal, state and private regulations through oversight by private payors and accreditors. Adding yet another layer of regulation will only further complicate matters, add administrative costs to our organization, and in all likelihood have little or no effect on the actual quality of care provided.”
The President's quality Commission confirmed there is no consensus that federal legislation like the one introduced today by House and Senate Democrats is the best way to achieve these objectives. The AHA believes the private sector can and must meet the challenge of protecting consumers and improving the quality of care. Federal legislation should be considered only if all private sector efforts fail.

Mr. NICKLES. Mr. President, these are not insurers. They are providers of care saying that more regulation will do just the opposite—it will increase costs. Experts are saying the Kennedy proposal will increase costs and therefore increase the uninsured and add a lot of money being expended for defensive purposes in litigation, not for improving quality of care. That is a mistake.

I urge my colleagues to vote in favor of my amendment, cosponsored by Senators Collins, Dole, Nickles, Lautenberg, and others. I thank them for their comments. I urge my colleagues to vote no on the Kennedy amendment.

Mr. KENNEDY addressed the Chair. The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. KENNEDY. Mr. President, my friend from Oklahoma sets up a strawman and then knocks it down. There are not going to be any additional costs for those insurance companies and those HMOs that are doing a good job. Massachusetts' HMOs, for example, are the best in the nation. I have the highest regard for them. But there may be an extra cost for HMOs that are shortchanging the consumer—the Senator is right—but not for those that are doing what they have represented to the consumers. In other words, if they are doing a good job, they have nothing to fear. That is why we have the support of a number of those HMOs at the present time. This sense of the Senate focuses on the ones that are not doing a good job.

I yield the floor.

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

Mr. DOMENICI. Mr. President, I thank the Senators for participating in what has been an exciting debate. I have a consent agreement that has been worked out between the majority and the minority.

I understand that the following amendments be debated between now and approximately 4 o'clock, under the same terms as agreed to last night, with the exception of second-degree amendments, which are now limited to 10 minutes equally divided:

Brownback amendment No. 2177, which has already been debated; Boxer amendment No. 2167; Specter amendment No. 2254; Lautenberg amendment No. 2214; Nickles amendment No. 2221; the two amendments that we have just heard debated, the Nickles amendment and the Kennedy amendment, Nos. 2282 and 2183, respectively; a Hutchison from Texas amendment No. 2208; and the last in this series is the Rockefeller amendment No. 2226.

I further ask that at the conclusion or yielding back of time on each of these amendments, and any second-degree amendments, the budget be considered yielded back, and the and the Senate proceed to stack rollcall votes, under the same terms as last night.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. DOMENICI. Mr. President, for the information of all Senators, at approximately 4 p.m.—it looks like it will be a little bit after that—today, the Senate will begin what has been fondly called a "vote-arama." Some might not want to say "fondly"; they may have other words to describe it. I choose that today for no particular reason. If all Senators will remain in the Chamber and propose a voice vote or by accommodation by both sides agreeing. We will do that and that will take care of another long list of amendments. Then what will be left will be the "vote-arama." and we will have to adhere to the rules as we have them. I think I heard the Chair declare that the unanimous consent is in place. I would like to get on with the business and do what we can to expedite the program and the time.

Mr. DOMENICI. Mr. President, following the next amendment, which I think will be the Lautenberg amendment, we will propose to the Senate a long list of amendments that we will accept by voice vote or by accommodation by both sides agreeing. So we will do that and that will take care of another long list of amendments. Then what will be left will be the "vote-arama." and we will have to adhere to the rules as we have them. I think I heard the Chair declare that the unanimous consent is in place. I would like to get on with the business and do what we can to expedite the program and the time.

According to the order, Senator LAUTENBERG's amendment will now be the pending business.

AMENDMENT NO. 2244

The PRESIDING OFFICER. The pending question is the Lautenberg amendment, No. 2244.

The Senator from New Jersey is recognized.

Mr. LAUTENBERG. Mr. President, this amendment presents a modified version of the budget that President Clinton submitted to the Congress last month. The amendment delineates all 10 of the important priorities in the President's budget.

First, it maintains strict fiscal discipline and adopts the President's commitment to save Social Security first. The amendment reserves all surpluses—I want to emphasize all surpluses—until we solve Social Security's long-term problems. This will help ensure that when the baby boomers retire, Social Security will be there for them, just like it has been there for their parents and grandparents. Second, the President's budget, makes education a top national priority. It calls for an initiative to reduce class sizes by hiring 100,000 new teachers; it promotes higher standards and greater accountability; it provides more after-school opportunities for young people; and it would help modernize and rehabilitate many of our schools.

These initiatives are not included in the budget before us. That is one of its greatest shortcomings.

Third, this amendment, like the President's budget, includes a historic commitment to helping families afford

April 2, 1998 CONGRESSIONAL RECORD — SENATE S3055
quality child care. It would double the number of children receiving child care subsidies by the year 2003. It would provide tax relief to working families who struggle to afford child care, whose biggest concern is that their kids are in good, safe, secure hands and it doesn’t matter how much money you have, or what your assets are. Everybody wants that. It includes many other measures to improve the quality of child care. Again, the Republican budget in front of us fails to include a meaningful child care initiative that would do little for working parents and their kids.

Fourth, this amendment, like the President’s budget, would expand Medicare to provide health care to many older Americans who now lack private insurance. It would assist those people to help them pay for their fair share so that there are no additional burdens on the taxpayers at large. The Republican budget rejects this proposal.

Fifth, this amendment, like the President’s budget, includes a major investment in research, especially medical research at the National Institutes of Health, with all of the life-saving possibilities it promises. The Republican budget claims to provide funding in this area, but it provides no new money to do so. It merely assures that the Appropriations Committee will cut other programs—cut education, cut environmental protection—to find the money to provide NIH with more resources than it is likely to be able to accommodate.

Sixth, this amendment includes a major investment in our transportation infrastructure in accordance with the agreement reached on ISTEA funding. That includes not only funding for highways but transit and safety matters as well.

Seventh, this amendment, like the President’s budget, reflects a commitment to environmental protection. It calls for reinstatement of the Superfund tax on companies and to use those funds for a variety of environmental objectives. The Republican budget, by contrast, uses most revenues from the Superfund tax for purposes that have nothing to do with environmental protection.

Mr. President, this amendment accommodates a wide range of Democratic priorities that have been shortchanged in the Republican budget—education, child care, health care, environmental protection, and it provides for the first time in this amendment, a series of proposals that will help all Americans, from those in the middle to those at the lower end of the economic spectrum.

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We have adjusted the levels of both nondefense and defense discretionary spending to be consistent with the spending caps, and we have held about $15 billion in the President’s funds for America’s initiative in reserve. Those reserves will become available upon the enactment of tobacco legislation, if that legislation produces more revenues than proposed by the President.

I note that all of these priorities could be funded if we enact the proposal that Senator Breaux and I have been advocating; that is, promptly increase the cigarette taxes to $1.50 a pack. Mr. President, to avoid any confusion on this point, let me explain. We are assuming that many of the President’s discretionary initiatives will be funded in the Superfund legislation, which largely means tobacco legislation. We think that is the most likely way that many of these priorities will be funded. If so, they would all be scored by the Congressional Budget Office under the pay-as-you-go system separate from the discretionary spending caps. Of course, as the administration has proposed, this could also be accomplished with the rules change included in appropriations legislation.

The point is, the President’s priorities can be accommodated here within the current rules or with the rules change for tobacco legislation.

I want to be up front about this. I don’t expect a Democratic substitute to be approved by this Senate. I am not asking for an extended debate about this proposal. We aren’t looking for a partisan fight. We simply wanted to put this forward to reassert our support for the President’s budget and to counter those who might try to argue that the President’s priorities cannot be accommodated using the Congressional Budget Office scoring. We have shown that they can be. If the Senate wants to reject the President’s proposals to expand Medicare, child care, reduce class size, that is their right. We can disagree. We can disagree on these in good faith. But we shouldn’t just blame it on the Congressional Budget Office. It will be our choice and an expression of our values.

Speaking for most Democrats, we think that this budget represents the values and priorities that we care about and that this country ought to care about. It reflects our commitment to providing our children with the educational opportunities they need to be reached to everyone’s satisfaction. So we find ourselves compelled to offer an alternative to the budget now being proposed by the majority.

The distinguished ranking member has laid out very thoroughly some of the reasons why our Republican colleagues and the reasons why Democrats feel compelled today to express our differences with our Republican colleagues about this budget.

Our plan very simply does what the President of the United States did and we should do in his State of the Union address a couple of months ago. We put Social Security first. We provide targeted tax cuts for working families. We make very important domestic investments so that working families across this country can experience the tremendous economic gain and economic vitality that this country has realized in the last several years. We stay within the spending ceilings established in last year’s budget agreement. We maintain the tax cuts in the President’s budget. We provide our children with the educational opportunities they need to successfully confront the challenges of
the 21st century. We provide tax credits for local districts that build and renovate public schools. We provide funds for local districts to hire an additional 100,000 teachers. This proposal will allow schools to reduce class size. For grades from 1 to 3, class size will be reduced from an average of 22 children down to 18. In addition, we provide opportunities for after-school learning programs. I will not elaborate on any of those proposals, because they have each been the subject of a targeted Democratic amendment already offered during this budget debate.

The Republican budget freezes spending on the most important educational programs. It freezes spending on the new programs I have outlined as well as the programs already established to provide children the opportunity to grow and to learn. As a result, 450,000 children will be denied access to safe after-school learning centers if this Republican budget passes; 30,000 kids will be denied access to Head Start if this Republican budget passes; 6,500 middle schools will not have drug and violence prevention coordinators if this Republican budget passes.

There is another important difference—and my colleague, the distinguished ranking member, noted the difference. Democrats have a fundamentally different approach to tackling the problem of teen smoking. On this issue there is a very clear difference between the Republican budget and our budget. Every American should care about this; every aware citizen should want to see the tobacco companies' insidious hold on young people in this country. Our proposal ends Joe Camel's reign over America's teenagers by fully funding the anti-youth-smoking initiatives, by providing tobacco-related medical research, by allowing public service advertising to counter the tobacco companies' targeting of our children today.

The Republican budget does none of those, not one. There is no anti-youth-smoking effort; there is no tobacco-related medical research, there are no smoking cessation programs, there is no public service advertising—there is none. It stacks the deck against meaningful tobacco reform and the effort to end teenage smoking.

So, lo and behold, the expectation quotient rises from that night to this moment on the floor of the Senate, when the big pot of gold is there, to start a whole bunch of new American programs. Frankly, as I indicated, everybody should know that most of the list of good things that we cannot afford, that the Democrats are speaking to, most of them won't come into existence if we don't have a big, gigantic pot of gold coming from the tobacco companies. That is point No. 1.

Point No. 2: With reference to smoking and its relationship and cost to the American taxpayer and to our programs, the distinguished occupant of the chair has the most forthright sense-of-the-Senate resolution that he will offer during this debate, and I hope we adopt it. It just says that every penny that we get out of tobacco settlement money should go to Medicare, because Medicare suffers a $25-billion-a-year hit because of seniors who, when they were young, smoked, got sick, and Medicare pays their bill. Pretty logical. I commend him for it and for his leadership in that regard.

Nonetheless, they would ask, aren't we going to take care of some of the needs that we know about because of smoking? And we say yes. But we like to point out that the money is not coming in, and we said, well, we can't spend it on education, because there is no money to spend, that we ought to aim it towards the middle of the children, to give them the chance to grow and to learn. As a result, 450,000 children will be denied access to safe after-school learning centers if this Republican budget passes; 30,000 kids will be denied access to Head Start if this Republican budget passes; 6,500 middle schools will not have drug and violence prevention coordinators if this Republican budget passes.

What we did in our budget was say very, very simply: If you settle this tobacco agreement—which seems to me to be getting further and further from reality, but let's just say if it gets settled—pay them, don't expect government's receipts from it into the program that is most in need and that has been most adversely affected by smoking. That is the Medicare Program.

It is interesting that while the President's program and the Democratic program—the President suggests $124 billion in new programs, and the litany sounds wonderful. We have heard some of it here this afternoon. I can't tell for certain, but it looks like the budget before us did not get out of the settlement fund the increases in education, and the seniors of tomorrow.

I ask, whether it is $124 billion in new money or $88 billion, is it right? Is it correct? Is it the right thing to do, to put not one nickel toward Medicare, which is the largest American program in jeopardy? And, as I debated this earlier in the week, I showed in a very simplified, simple chart, what will happen to the Medicare trust fund starting in about 10 years, and the deficit line goes in a line downward as if we are aiming it towards the middle of the Earth—which we used to say that's where Hades was, when we were little kids.

For starters, that is one big difference, and we are proud of that difference, for we put a very substantial number of billions into that very needy program so those national commissioners trying to put it together will have some intral resources to save Medicare for the seniors of today and the seniors of tomorrow.

When you do that, you cannot pay for all the new wish list of programs that have been alluded to here today and that our President alluded to in a dramatic speech to the American people as the State of the Union. As a matter of fact, had that wonderful pot of gold—to wit: the cigarette companies' agreement—not been around when the President was preparing his speech, he could not have told the American people that there were any new programs. You know why? Because he agreed. And he agreed that for the next 5 years there would be no increase in the discretionary programs of this country. That was the deal. That was the agreement.

So, lo and behold, the expectation quotient rises from that night to this moment on the floor of the Senate, when the big pot of gold is there, to start a whole bunch of new American programs. Frankly, as I indicated, everybody should know that most of the list of good things that we cannot afford, that the Democrats are speaking to, most of them won't come into existence if we don't have a big, gigantic pot of gold coming from the tobacco companies. That is point No. 1.

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Mr. DASCHLE addressed the Chair. The PRESIDING OFFICER. The Democratic leader.

Mr. DASCHLE. Mr. President, I will use a couple minutes of my leader time. I know we are out of time, and I don’t want to take any time off the resolution.

I know the distinguished Budget chair has made his arguments, and I think they merit some response. I will yield in a moment to the distinguished ranking member as well.

Let me just make three points. First of all, the distinguished Senator from New Mexico, alluded to our budget proposal as one that seems to be outside the realm of the agreement we made last July. He also noted the Republican budget is in keeping with these same kinds of things that will bring some accountability to the public school system of our country. And we are proud of that, too. It is not as if there is nothing in it, it is just we chose these instead of others, and we think these are prudent choices.

Then we could go on from there and talk about criminal justice. We all know we cannot cut that; it must go up. We increased that in our budget, because it is a top priority item when we made our 5-year agreement that we worked so hard together on, Democrat and Republican and President.

So it is not as if we did not do some of these things that the Democratic leadership is here touting that they would do and we didn’t do. It is just that we did not increase net spending by $84 billion. The Democrat budget does. Net taxes increase of one type or another—$20 billion in that proposal. We did not do that much. The reduction in the surplus—there is a cutting of the surplus in half, under their proposal, from 8 to 4. That is not a lot of billions, as we throw them around here, but nonetheless a significant thing to note.

Mr. President, I believe the budget we produced in the Budget Committee, if it were to become the cornerstone for this year’s appropriation bills and tax reduction—for there is $30 billion worth of tax reduction in ours. It is provided for by closing loopholes and other tax advantages, many of which have been listed as items that we should consider for more than a decade, and some of them—15 years.

So I look pretty well balanced. I am convinced, having familiarized myself as best I can, and I think perhaps with a few exceptions as well as anyone in the Senate, ours would be good for the future growth of the American economy and would continue this dramatic sustained economic growth that is bringing us revenues and bringing us jobs.

Frankly, Mr. President, I don’t believe in that means the Democratic budget or the President’s budget that would contribute significantly to those positive things that we all cherish and want so much.

I yield the floor and reserve whatever time I have.

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We recognize how important that agreement is. We recognize the importance of investments. But as I noted in my opening comments, there is a profound difference between the vision expressed in our resolution toward major investments in education, in child care, in those areas for which we believe it is essential that the Committee to invest, and the Republican proposal which fails to invest in those areas.

The second point: He sets up a false choice. He says he believes it is important for us to recognize the critical nature of those investments. But as I noted in my opening comments, there is a profound difference between the vision expressed in our resolution toward major investments in education, in child care, in those areas for which we believe it is essential that the Committee to invest, and the Republican proposal which fails to invest in those areas.

The second point: He sets up a false choice. He says he believes it is important for us to recognize the critical nature of those investments. But as I noted in my opening comments, there is a profound difference between the vision expressed in our resolution toward major investments in education, in child care, in those areas for which we believe it is essential that the Committee to invest, and the Republican proposal which fails to invest in those areas.

We recognize how important that agreement is. We recognize the importance of investments. But as I noted in my opening comments, there is a profound difference between the vision expressed in our resolution toward major investments in education, in child care, in those areas for which we believe it is essential that the Committee to invest, and the Republican proposal which fails to invest in those areas.

Yesterday, on a vote of 19 to 1, the Commerce Committee voted out its recommendations to the Senate with regard to tobacco legislation. They note it is important for us to take some of those revenues and dedicate them to tobacco and health care programs in Medicare. However, they also say that, in addition to Medicare, it is critical we recognize the importance of prevention and cessation activities, efforts to stop teenage smoking, to support health-related research, to ensure tobacco farmers receive the resources they are going to need, to ensure that we deal with the tobacco-asbestos trust fund, to ensure that we deal with the problems in Medicaid, and to ensure that problems with black equity be addressed through these resources.

In other words, the committee, in the 19-to-1 vote just yesterday, said we agree with the distinguished Senator from New Mexico, but we think we ought to do more. We think that it is critical that we look at how we prevent teenage smokers from starting, how we assist tobacco farmers in during the transition, and how we deal with resources that have not been adequately addressed in this budget.

I think it is very critical to acknowledge that on an overwhelming basis many in Congress have already indicated their support for dedicating tobacco revenues to a variety of different needs including Medicare.

The bottom line is really very fundamental. We have to recognize that this is our one opportunity to state our priorities. Our priorities ought to be in education. Our priorities ought to be in child care. Our priorities ought to be in preventing teenage smoking. That is what our budget does. That is what our priorities are. And that is the difference in vision between Republican and Democratic budgets.

I ask the ranking member if he has any need to express himself prior to the time I yield the floor.

Mr. LAUTENBERG. If I can have 2 minutes.

Mr. DASCHLE. I yield 2 minutes of my leader time to the distinguished Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, I don’t want to take any more time than the time you gave me because we had an understanding about the use of time, but I do want to say to my friend and colleague, the chairman of the Budget Committee, who is so articulate and who is so knowledgeable about the budget, the only thing is he happens to be wrong. Other than that, we are in very good agreement.

What do I think the chairman is wrong about? Priorities. I think that when he lays out those things that are taken care of, we say, “No, they are not taken care of.” To do all we propose, all the President has offered by staying within the budget caps, and we are going to use the pay-as-you-go mantra; that is, nothing happens until it is paid for. That is the way we see it.

When I see the narrowness, the demand that the only way that we spend any of our surplus is on Medicare—and I submit, and I proposed this the other day—ask any grandparent, because by the time you get to Social Security, you are pretty much a grandparent, if they would rather worry today about shoring up Medicare or keeping their child or their grandchild from starting smoking.

I can tell you what the answer is going to be. They would say, “Listen, we have lived a pretty good life, and we are worried about Medicare; we want you to help solve the problem, but if you are saying take a choice between keeping my younger from getting hooked on tobacco or going to begin his or her final innings at sometime in life when it is very inopportune, take care of those kids.”
That is what we are asking for. If the revenues come from tobacco, we want those funds to be used for smoking cessation programs.

I think it is a fairly simple choice, and that is, do we want to say to the American public that we are going to try to buy off all of the problems that we have, but we are only going to do it if we have the money to spend and, if not, then we are going to have to forego that as well?

We committed to a balanced budget. I would say we committed to a balanced budget. I would say it was probably the one thing that we committed to that was unalterable but I think efficiently with my friend from New Mexico in getting a balanced budget into place. We were commended by people across this country, including leaders of both our parties.

I want to continue that way, Mr. President, and I hope we will be able to have the votes that say, ‘OK, let’s give the priorities that are for the people a chance to be put into effect.’

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, how much time was used in excess of the 15 minutes?

The PRESIDING OFFICER. Six minutes 55 seconds of leader’s time.

Mr. DOMENICI. I ask unanimous consent I be allowed to manage that amount of time in opposition.

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

AMENDMENT NO. 2253, AS MODIFIED

Mr. STEVENS. Mr. President, I call up amendment No. 2253, and I send a modification to the desk.

The PRESIDING OFFICER. Without objection, the amendment is so modified.

The amendment, as modified, is as follows:

In the appropriate place in the bill, insert the following:

SEC. SENSE OF THE SENATE REGARDING OUTLAY ESTIMATES OF THE DEPARTMENT OF DEFENSE BUDGET

(a) FINDINGS.—The Senate makes the following findings:

(1) The Balanced Budget Act of 1997 created a new history and forced the Department of Defense to plan on limited spending over the five year period from fiscal year 1998 through 2002.

(2) The Balanced Budget Act of 1997 mandated that the Office of Management and Budget reevaluate their initial projections of fiscal year 1999 outlay rates.

(b) SENSE OF THE SENATE.—It is the Sense of the Senate underlying this concurrent resolution on the budget assume that not later than April 22, 1998, the Director of the Office of Management and Budget, the Secretary of Defense, and the Director of the Congressional Budget Office shall complete discussions and develop a common estimate of the projected fiscal year 1999 outlay rates.

The Defense Department has done what the Congress asked. However, the Congressional Budget Office has estimated that outlays under the fiscal year 1999 Defense budget will exceed the limits imposed by the budget agreement by about $3.7 billion, or 1.6 percent of GNP.

The Department of Defense is a $250 billion organization—an organization which needs stability to run effectively. The Defense Department relied on last year’s Budget Act to build its fiscal year 1999 budget.

Currently, the fiscal year 1999 budget submitted by the Defense Department, and scored using OMB rates, complies with the Balanced Budget Act of 1997.

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our troops trained and ready, which pay to day-to-day bills for our bases, and which repair the aging equipment relied upon by our military personnel.

Lastly, we could turn to the procurement and research and development accounts. The $21 billion of budget authority for every dollar in outlays we must save. This would bring modernization to a virtual halt and increase the cost of the remaining, less efficient programs. These cuts would not serve the Senate, and Defense Department well.

Mr. DOMENICI. Mr. President, I want to take a few minutes to address my colleagues on a subject which is of increasing concern to me. I have spent a great deal of time on the floor of the Senate and in consideration of the budget resolution for this fiscal year and the following 5 years. I have listened intently as the Senate has debated taxes, education, child care, Social Security, Medicare and other issues which Senators have raised with respect to this resolution.

It has been glaringly evident to me, and I suspect to some of my colleagues, that there has been little or no mention of national security issues during this debate. No one has raised the issue of defense spending. Maybe it's because defense doesn't rank very high in these days in the polls which reflect the concerns of the American people; or maybe it's because everyone assumes that the defense budget is adequate and there is no reason to debate it. I am concerned first of all because I believe there is clear shortfall between the amount of defense spending and which repair the aging equipment and which repair the aging equipment.

The language of our military forces is at an all time high. American forces are deployed literally around the globe. The foreign policy of this Administration has raised the number of separate deployments to the highest in our history. Our servicemen and women spend more and more time away from their homes and families on more frequent and extended deployments. As a result, recruiting grows more difficult and retention is becoming an extremely serious problem—especially for pilots.

We are also beginning to see increasing indicators of readiness problems.

The Armed Services Committee will begin work on our markup during the Easter recess. We intend to have our bill on the floor before the Memorial Day recess. Under the budget agreement, the Congress will not be adding funds to the defense budget. I know that the majority of Senators would not support adding funds to the defense budget in violation of the budget agreement. However, I have stated in the past and I say again, I believe that we are not providing adequate funds for defense. It remains my firm belief that we should provide additional funds for our national security.

Mr. STEVENS. Mr. President, there are a number of cosponsors to this amendment. The amendment I offer is a sense-of-the-Senate amendment which directs the Office of Management and Budget, the Department of Defense, and the Congressional Budget Office to develop a common estimate of outlays under the fiscal year 1999 defense budget. The modification of my amendment adds a corresponding sense-of-the-Senate section which urges OMB, CBO, and the Secretaries of nondefense agencies to also develop common estimates for the 1999 outlays for the nondefense discretionary programs.

I believe this amendment is one that is needed. It is a sense of the Senate, but it directs, as far as the Office of Management and Budget and CBO and the Defense Department, to find a common ground before we start marking up either the authorization bill or the appropriations bill. It has been cosponsored by both sides. I believe it will be accepted. I ask for the adoption of the amendment.

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

The amendment (No. 2253), as modified, was agreed to.

Mr. DOMENICI. Mr. President, I say to Senator STEVENS, I understand, with the other side, this amendment includes nondefense where there are serious discretionary estimating inconsistencies.

Mr. STEVENS. The chairman is right. We have added the nondefense portion. It deals, however, just with the discretionary accounts, both defense and nondefense discretionary. It is a matter that Appropriations must have resolved.

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

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

The motion to lay on the table was agreed to.

Mr. DOMENICI. Mr. President, I know that Senator HUTCHISON is waiting, but I want to use some of that 6 minutes. I am not sure I will use all of it. Let me take a little.

AMENDMENT NO. 2244

Mr. DOMENICI. Mr. President, I don't know how we judge right and wrong, whether I am right or wrong after an eloquent speech, as my friend called it. But, look, this afternoon we
are going to vote and sometimes in America, democracy says the one that gets the most votes wins. I don’t know if that means you are right, but I can tell you we are going to win and they are going to lose. I don’t know what that means, but I think that is pretty good.

In addition, let me suggest, I, too, am worried about what is happening to our young children who smoke. It is wonderful for me to be able to say that I smoked heavily until 6 years ago. I have not smoked and not a single one smokes. So I am very pleased about that. I don’t know what that means either, except it is just a statement of fact.

Mr. LAUTENBERG. Can I ask a question?

Mr. DOMENICI. Sure.

Mr. LAUTENBERG. Did they see you coughing?

Mr. DOMENICI. They did not. But they did have to leave all kinds of little notes on my pillow and stuff them underneath.

Mr. President, let me just say, it is a question in politics if there is ever enough spending by a Government. How much is enough? I ask? Is $355 million enough to be able to take care of advertising to have a positive impact on our children smoking enough or should we have more?

I tell you, that is twice as much as the President asked for. I assume if a Democratic President has some $400 million and we have $325 million, that probably—we have enough. Having said that, there are so many programs being talked about to come out of that pot of gold, that giant piggy bank, many of which nobody knows will even work. If you have national advertising programs and preventive programs in drugs where you are going into schools, talking to the kids, running advertising and it is not working a bit—in fact, there are more drugs—one would have a tendency to be a bit skeptical, it seems to me, about whether we know how to do that, be it for drugs or for cigarettes.

In the final analysis, we have decided in our budget resolution to take every priority that we can find consistent with our 5-year agreement and fund them as best we can consistent with the agreement; that there be no new discretionary spending.

What I am saying now, just so everybody will understand, we asked those experts who talk about our money supply, our interest rates, the wonderful economy, what are we supposed to be most concerned about to keep the most intact. We said that if we are fiscally responsible and we are aiming at a balanced budget for a long time? They tell us, “Don’t breach the agreement that you entered into with reference to how much you can spend each year as you appropriate annually.”

We all say we will not do that. That is right. But, Mr. President, what this budget that is before us and what the President chose to do is to take another pot of money and say, “We’ll spend it another way and it won’t count against those agreed-upon expenditures.”

That is called new entitlement programs.

So this litany of new programs cannot be paid for under the budget agreement. But it can be paid for if you choose to create new entitlement programs that will go on forever even though they are not paid has a terminal time. So I believe we did the right thing. We look forward to an era of balanced budgets, an era of solid economic growth, an era during which we fix Social Security permanently and during which we fix Medicare permanently and we actually put our budget where our mouth is, and that is to do those things.

I yield back any time that I might have. And in due course I will make a point of order against the budget. But I do not choose to do it now.

I say to Senator HUTCHISON if you would let me dispose of a series of amendments, I would really appreciate that.

Mr. DOMENICI. Mr. President, I have a list of amendments by number. There are 21. And I will not cite each one but, rather, I will send the list to the desk for consideration. These amendments have been agreed to. And I would like to agree to them en bloc. There is no objection on our side and no objection on their side, the Democrat side. They are both Republican and Democrat amendments.

The PRESIDING OFFICER. Without objection, the enumerated amendments sent to the desk will be considered en bloc.

AMENDMENT NO. 223

Mr. BINGAMAN. Mr. President, the amendment I am offering with Senator LIEBERMAN expresses the sense of the Senate that the next budget submission by the President, and the next Congressional budget resolution, should reclassify all civilian research and development activities within the Federal government, now scattered among 12 separate budget functions in the Budget Resolution, into one budget function—Function 250.

Function 250, entitled “General Science, Space, and Technology,” currently is comprised of funding for the National Science Foundation, NASA, and some R&D programs at the Department of Energy.

The purpose of the functional analysis in the Budget Resolution is to provide the Congress with insight into important crosscutting themes in the budget. When it comes to the federal investment on R&D, though, the current functional analysis in the Budget Resolution does not facilitate any sort of cross-cutting discussion about the size and direction of Federally supported science and technology research. In fact, our current budget function structure hides more than half of the Federal investment in civilian R&D. According to data from the Office of Management and Budget, in addition to the agencies and programs currently in Function 250, many other civilian departments and agencies have research and development programs of consequence. My amendment would add this problem by providing more transparency to our support of Federal R&D funds. R&D would be shifted among agencies. But the President’s next budget proposal would highlight where in each agency R&D was being supported. If the President were to implement the suggestion in this amendment, I believe that it would have the following beneficial effects.

No. 1, when all civilian R&D is placed into one budget function, it will become much easier for the Congress to examine the entire Federal R&D portfolio. Questions of balance, coverage, and emphasis within that portfolio will become easier to ask when the whole picture can be seen more easily.

No. 2, the proposed change in my amendment will facilitate the ability of each authorizing committee to review the Federally supported R&D under its jurisdiction, as one element in preparing its views and estimates for the Budget Committee. The amendment will also allow committees such as the Committee on the Budget or the Committee on Appropriations to conduct a global review of federal R&D early in the budget/appropriations process. The National Academy of Sciences has recommended that such a global look at R&D take place annually in Congress in its 1995 report, Allocating Federal Funds for Science and Technology. The Academy stated that the “Congress should create a process that examines the entire Federal research and development budget before the total federal budget is disaggregated into allocations to appropriations committees and subcommittees.” This amendment would facilitate the implementation of this idea, which has broad support in the scientific and technical community.

No. 3, placing civilian R&D at mission agencies into Function 250 will reflect the reality that all Federal research and development, regardless of sponsoring agency, can and does make essential contributions to the general fund of knowledge. These are realities that are well known to the scientific and technical community. In the words of former IBM Vice-President Lewis Branscomb, “One cannot distinguish in any meaningful way ‘basic’ from ‘applied research’ by observing what a scientist is doing.”

No. 4, placing civilian R&D at mission agencies into Function 250 will elevate the prominence of R&D supported by those agencies in future budget and policy discussions.
I believe that this amendment will result in a valuable contribution to our institutional ability to understand and manage one of the most important parts of the Federal budget. I urge the adoption of both amendments.

**AMENDMENT NO. 2239**

Mr. BINGAMAN. Mr. President, this amendment is co-sponsored by myself, Senator GRAMM of Texas, and Senator LIEBERMAN. It expresses the sense of the Senate that a basic principle that is widely supported in this body. That principle is that we should seek to double the Federal investment in civilian research and development over the next 10 years. This principle is contained in legislation co-sponsored by us, the chairman of the Budget Committee, and about 10 other Senators.

Mr. LIEBERMAN. Mr. President, I rise in support of the Sense of the Senate Amendment to double Federal R&D investments over the next ten years. Federal support for research and development is all about creating wealth and opportunity and assuring a higher quality of life for our citizens. For policy makers, it is worth our while to focus on wealth creation because it enables everything else we want to do.

We have an awful lot of data these days that tell us there is a firm connection between R&D expenditures and subsequent economic growth. One commonly cited figure—derived from Dr. Robert Solow's Nobel prize-winning research—is that 50% of America's post-World War II growth can be attributed to the innovations largely driven by the discoveries that flow out of the nation's R&D laboratories. Economists do not give us the tools to determine the optimum level of R&D spending, but is clear from all the data that we are far, far below the point of diminishing returns. Numerous studies indicate that the marginal rates of return on publicly-financed R&D investments are extraordinarily high. These high rates of return on federal R&D expenditures are an especially efficient investment vehicle, that we are currently underinvesting in R&D, and that we are underutilizing our nation's existing R&D infrastructure, including its pool of talented scientist and engineers.

Why is the government involved in research in the first place? These days industry funds nearly twice as much R&D as government does, why don't we let them do it? The problem—what notion that is the private sector, for the most part, does not fund discovery—government does. The private sector funds the later phases of the innovation process—those phases closest to product development. Privately-financed R&D—which is mostly D—provides the critical link between research and the subsequent creation of new wealth and opportunity. It is vitally important, but it depends on publicly-financed R&D for fundamental knowledge creation.

The benefits of knowledge created in the nation's laboratories and universities are diffuse and typically yield economic returns only after a significant time lag—a time lag well beyond the planning horizon of most commercial firms. Moreover, the benefits cannot be anticipated in advance. The chemists and physical scientists who first conceived utilizing nuclear magnetic resonance to determine chemical structure never imagined that their discovery would become the basis of a whole new medical diagnostic industry. Firms realize that they cannot capture most of the benefits of fundamental research. It is a classic market failure. The returns are very significant, however, and they are fully captured by the society as a whole.

Because federal investments are typically focused on the early phases of the innovation process, they exert tremendous leverage. This is part of the reason why the returns on federal R&D investments are so high. The early phases are the high-payoff phases. There may be many misses, but the hits are very large indeed.

In recent years, we have not maintained federal R&D investments at traditional levels as a fraction of either discretionary spending or, more significantly, as a fraction of national income. I would argue that, in a society and an economy that are increasingly knowledge-intensive, we ought to be increasing our investments in knowledge creation not reducing them. Nonetheless, federal support for research and development has declined substantially since the 1960s as a percentage of national income. We have to turn this situation around. Robust federal support for R&D and the American research enterprise is one of the key elements in sustaining high levels of economic growth in the future. We cannot take America's current economic and technical leadership for granted. If we are to maintain our nation's leadership position we must make the requisite investments in our R&D system—the most productive system of its kind in the world.

The PRESIDING OFFICER. Mr. DOMENICI. I move to reconsider the vote by which the amendments were agreed to en bloc.

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

The motion to lay the table was agreed to.

**AMENDMENT NO. 2239**

Mr. DOMENICI. Mr. President, I add to the list amendment No. 2239, the Feinstein amendment. We assume we will have to adopt that separately.

Mrs. FEINSTEIN. Mr. President, this amendment expresses the sense of the Senate that we must rededicate ourselves to making our public education system the best. These reforms, if implemented by states and local school districts in partnership with the federal government, will improve: The achievement of students; the quality of teaching; and the accountability of public school systems.

This sense of the Senate amendment has six elements. It calls on the federal government to work with states, school districts and local leaders to accomplish the following goals by the year 2005:

1. Establish achievement levels and assessments in every grade for the core academic curriculum; measure each regular student's performance; and prohibit the practice of "social promotion" of students (promoting students routinely from one grade to the next without regard to their academic achievement);

2. Provide remedial programs for students whose achievement levels indicate they should not be promoted to the next grade;

3. Encourage smaller schools to enable students to have closer interaction with teachers;

4. Require at least 180 days of instruction per year in core curriculum subjects;

5. Recruit teachers who are adequately trained and credentialed in the subject or subjects they teach and encourage excellent, experienced teachers to remain in the classroom by providing adequate salaries; require all teachers to be credentialed and limit emergency or temporary teaching credentials to a limited period of time; hold teachers and principals accountable to high educational standards; and

6. Require all regular students to pass an examination in basic core curriculum subjects in order to receive a high school diploma.

U.S. SCHOOLS' PERFORMANCE UNIMPRESSIVE

In 1983—15 years ago—the National Commission on Excellence in Education issued its startling report on the decline of America's schools, titled "A Nation at Risk." Our schools today are still at risk.

A February report this year revealed that American high school seniors are among the world's least prepared in math and science, scoring far below their peers in other countries. Overall, U.S. students outperformed only two countries in the Third International Mathematics and Science Study—Cyprus and South Africa. In twelfth grade advanced math and physics, U.S. students scored last in physics and next to last in math. American eighth graders scored well below the international average in math.

SAT scores today are near their lowest point ever, reports the Brookings Institute. The National Assessment of Educational Progress reported that math, science, writing and reading achievement levels have been flat for the past quarter century.

The U.S. Department of Education last fall reported that 29 percent of all
college freshmen require remedial classes in basic skills.

The 1997 annual report on our national education goals found that the high school dropout rate has increased and more teachers reported student disruptions in their classrooms.

The AFT goals report told us that performance has declined in reading achievement at grade 12 and in the percentage of secondary teachers who hold a degree in their main teaching assignment.

The AFT report found no significant improvement in high school completion rate or reading achievement at grades 4 and 8.

ISSUE 1: ACHIEVEMENT LEVELS; NO SOCIAL PROMOTION

The first provision of my amendment urges the establishment of achievement levels and assessments in every grade for the core academic curriculum and calls on state and local schools to stop social promotion. Social promotion is the practice of schools' advancing a student from one grade to the next regardless of the student's academic achievement.

Forty-nine states are working to establish achievement standards and assessments, but few have completed that task. AFT found: "In most districts, there are no agreed-upon explicit standards of performance to which students are held accountable."

Educators widely agree that tough, clear academic content and performance standards are the only way to determine what students are learning and how quickly or slowly they are learning it. Standards should be the foundation of learning.

Social promotion is contrary to tough standards. Saying that social promotion is "rampant," AFT leaders found that school districts' criteria for passing and retaining students is vague, that only 17 states have standards in the four core disciplines (English, math, social studies and science) that are well grounded in content and that are clear enough to be used.

It is time to end social promotion, a practice which misleads our students, their parents and the public.

I agree with the conclusion of the September 1997 study conducted by the American Federation of Teachers:

Social promotion is an insidious practice that hides school failure and creates problems for everyone—especially for kids, who are denied into thinking they have learned the skills to be successful or get the message that achievement doesn't count; for teachers who must face students who know that teachers wield no credible authority to demand hard work; for the business community and colleges that must spend millions of dollars on remediation, and for society that must deal with a growing proportion of uneducated citizens, unprepared to contribute productively to the economic and civic life of the nation.

HOW WIDESPREAD IS IT?

None of the districts surveyed by AFT have an explicit policy of social promotion, but almost every district has an implicit practice of social promotion. Almost all districts view holding students back as a policy of last resort and many put explicit limits on retaining students. Districts have loose and vague criteria for moving a student from one grade to the next. This approach, too, is implicit approval of social promotion.

AFT found last year that 7 states are seeking to end social promotion by requiring students to meet the state standards before being promoted into certain grades. An increase of 4 of the 4 of the previous year.

Mike Wright, a San Diegian, is an example. Cited in the February 16 San Diego Union-Tribune, Mr. Wright says he routinely got promoted from grade to grade and even graduated from high school, even though he failed some subjects. At age 29, he is now enrolled in a community college program to learn to read—at age 29.

Social promotion is a cruel joke. We are foisting students, we are fooling ourselves. Students think a high school diploma means something. But in reality, we are graduating students who cannot count change, who cannot read a newspaper, who cannot fill out an employment form, who cannot advance a student from one grade to the next regardless of the student's academic achievement.

The Academic Cost of No Achievement Levels, Social Promotion

Students' need for remedial work is one measure of the harm of the lack of clear achievement levels and the practice of social promotion. Here are some examples:

A January 1998 poll by Public Agenda asked employers and college professors whether they believe a high school diploma guarantees that a student has mastered basic skills. In this poll, 63% of employers and 76 percent of professors said that the diploma is no guarantee that a graduate can read, write or do basic math.

In California, a December 1997 report from a state education accountability task force estimated that at least half of the state's students—3 million children—perform below levels considered proficient for their grade level.

Nationwide, about one third of college freshmen take remedial courses in college and three-quarters of all campuses, public and private, offer remediation, says the AFT study.

A March 27 California State University study found that more than two-thirds of the campuses in Los Angeles lack the math or English they should have mastered in high school. At some high schools, not one graduate going on to one of Cal State's campuses passed a basic skills test. At Cal State Dominguez Hills, for example, 8 out of 10 freshmen enrolled last fall needed remedial English and 87 percent needed remedial math.

Sadly, these numbers represent an increase. In the fall of 1997, 47 percent of freshmen enrolled at CSU needed remediation, compared to 43 percent in each of the previous three years. In math, 54 percent needed remedial help, compared to 48 percent in 1994.

Similarly, almost 35 percent of entering freshmen at the University of California do poorly on UC's English proficiency test and must receive help in their first year.

Florida spent $55 million in college on remedial education, says the AFT study.

In Boston, school principals estimate that half their ninth graders are not prepared for high school work.

In Ohio, nearly one fourth of all freshmen who attend state public universities must take remedial math or English (Cleveland Plain Dealer, July 7, 1997).

Employers tell me that their new hires are unprepared for work and they have to provide very basic training to make them employable. For example, last year, MCI spent $7.5 million to provide basic skills training (USA Today, 1996).

SUPPORT FOR ENDING SOCIAL PROMOTION IS WIDESPREAD

Fortunately, many policymakers are beginning to realize that we must stop social promotion. President Clinton called for ending it in his January 27 State of the Union speech. He said, "We must also demand greater accountability. When a child from grade to grade who hasn't mastered the work, we don't do that child any favors. It is time to end social promotion in America's schools."

On February 23, the President sent Social Promotion, asking him to prepare guidelines for educators on ending social promotion and guidelines for using federal funds to adopt sound promotion policies. "Neither promoting students when they are unprepared or simply retaining them in the same grade is the right response to low student achievement," the President wrote. "Both approaches presume high rates of initial failure are inevitable and acceptable."

At least three states—Florida, Arkansas and Texas—explicitly outlaw social promotion.

The Chicago Public Schools have ditched social promotion. After their new policy was put in place, in the spring of 1997, over 40,000 students failed tests in the third, sixth and eighth and ninth grades and then went to mandatory summer school. Chicago School Superintendent calls social promotion "education malpractice."

He says: "In many schools, the only product will be student achievement."

Cincinnati's students are now promoted based on specific standards that define what students must know.

In my own state, the San Diego School Board in February adopted requirements that all students in certain grades must demonstrate grade-level performance. And they will require all students to earn a C overall grade average and a C grade in core subjects for high school graduation, effectively elevating remedial classes to certain grades and for high school graduation. For example, San Diego's schools are requiring that eighth graders who do
not pass core courses be retained or pass core courses in summer school.

As long as we tolerate social promotion and the absence of standards, we will never know (1) what our students need to learn and (2) whether they have learned what they should learn. How can you measure what you have accomplished if you don’t know where you are going?

ISSUE 2: MORE REMEDIAL PROGRAMS

Some schools are trying to provide after-school help, tutoring and summer school remedial programs as ways of identifying students who are having learning problems, but a report by the American Federation of Teachers found that only 13 states require local school districts to provide academic intervention for students who fail to meet standards. Similarly, a report of the Council of Chief State School Officers in 1997 on math and science standards, found that states were doing very little to ensure that all students master the standards.

A 1997 report on state standards found that only 13 states require and fund intervention programs to help low-performing students, up from 10 the previous year.

The Chicago Public School, for example, have launched a major revamping of their school system, and have made after-school programs a priority in helping students learn.

ISSUE 3: SMALLER SCHOOLS

The amendment calls on school districts to have smaller schools. In California, some campuses sprawl across acres and acres and schools can have thousands of students. The principal is just a voice over the loudspeaker.

School personnel hardly know the names of the students.

I believe that elementary schools should have 500 students; middle schools, 750 students; and high schools, 1,500 students. I believe that in smaller schools children have a stronger sense of community and connectedness, that school personnel become closer to and more effective with their students.

One study of 744 large high schools found that the dropout rate at schools with over 2,000 students was double that of schools with 667 or fewer students. Another study of 395 schools revealed that large schools have higher rates of class cutting, absenteeism, and classroom disorders.

I believe these studies make a compelling case.

ISSUE 4: LONGER SCHOOL YEAR

My amendment also urges states and school districts to have a school year of at least 180 days. The U.S. school year averages around 180 days, an outdated calendar based on our agrarian past over 100 years ago.

Currently, 29 states, the District of Columbia and Puerto Rico require minimum teaching days. California now requires only 172 teaching days, but a new state law does provide incentive funds for adding up to eight professional days to the 172-day school year.

Many other countries have longer school years than we do. Students in England, Germany and Japan go to school between 220 and 243 days a year. A 1984 study entitled "Extending and Enhancing Learning Time" observed that American school children spend more days out of school than in school and documented "summar learning loss," finding that teachers spend four to six weeks every fall going over lessons from the previous school year. Similarly, A Nation at Risk recommended lengthening both the school day and the school year.

Along with setting high standards, we must put more time into teaching and learning and thus my amendment recommends 180 days of instructional time, which still would leave us with a school year shorter than many of our international competitors.

ISSUE 5: TRAINED TEACHERS

Class sizes cannot be reduced without hiring more teachers. And these teachers must be trained and credentialed teachers.

The National Commission on Teaching and Learning in November 1997 brought us their findings. More than one-fourth of newly-hired teachers lack qualifications for their jobs.

The U.S. has no real system in place to ensure that teachers get access to the kinds of knowledge they need to help their students succeed.

Twenty-three percent of high school teachers do not even have a minor in their main teaching field.

School systems often waive or lower standards to hire people without qualifications to teach.

California, unfortunately, is a case example. We have 21,000 teachers on emergency credentials. In California, nearly 22,000 of the 240,000 public school teachers in California are not fully credentialed or have not passed a basic skills test. Half of California’s math and science teachers did not minor in those subjects in college, yet they are teaching.

The October 13, 1997, U.S. News and World Report reported that in Los Angeles, "new teachers have included Nordstrom clerks, a former clown, and several chiropractors."

The National Commission on Teaching and America’s Future ranked California near the bottom in the quality of our public school teaching force because we have some of the highest proportions of uncertified or undertrained teachers, particularly in math and science. The Commission defined “well-qualified” as a teacher with full certification and a major in their assigned field. By this measure, only 65 percent of the state’s teachers meet the standard. Nationally, that figure is 72 percent. In California, 46 percent of high school math teachers did not major in math. The national average is 28 percent.

California will need up to 300,000 new teachers in the next decade because of our escalating enrollment. But a 1996 analysis by Policy Analysis for California Education found that my state could only expect about 9,000 new credentialed teachers per year if current trends continue.

Without good teachers, no school reform, however visionary or revolutionary, can improve student learning. This nation needs a major investment in teacher training, professional development and we need to pay teachers decent, professional salaries to attract and retain them.

ISSUE 6: FINAL EXAMS FOR GRADUATION

Without achievement levels or tests, students today can leave high school with a diploma.

According to the Council of Chief State School Officers, for the 1995-1996 school year, only 17 states require passing minimum competency tests for high school graduation. California, for example, does not require high school graduation exams.

The 1997 AFT report on state standards found that only 13 states have high school graduation exams based on 10th grade standards or higher.

Therefore, without standards, with social promotion rampant, a high school diploma means little. It is no measure of achievement. This has to stop.

THE PUBLIC EXPECTS PERFORMANCE, ACCOUNTABILITY

In a recent survey of Californians, 61 percent agreed that our schools need a “major overhaul,” up from 54 percent who answered the same question two years ago. A mere six percent believe that schools provide a “quality education.”

A poll by Policy Analysis for California Education found that only 17 percent of Californians consider the U.S. schools “good” or “excellent,” down from about 33 percent three years ago. A 1997 poll in my state found that improving elementary and secondary education has replaced crime and immigration at Californians’ top priority.

Nationally, a Wall Street Journal/NBC poll last year found that 58 percent of Americans say fundamental changes are needed in U.S. schools. A Garin-Hart poll last year found only 9% of the public believes our public education system “works pretty well.” Only 27 percent gave our schools an above-average rating. A whopping 84% of people favor establishing meaningful national standards.

CONCLUSION

I hope my colleagues will join me in supporting this amendment because we must stop shortchanging our students.

School achievement must mean something. It must mean more than filling up a seat at a desk for 12 years. A diploma should not just be a symbol of accumulating time in school. And school systems need to be accountable.

Therefore, I urge the Senate to go on record in support of this modest amendment that expresses 6 critical principles for school reform.
The PRESIDING OFFICER. The question occurs on agreeing to the amendment No. 2229.

Without objection, the amendment is agreed to.

The amendment (No. 2229) was agreed to.

Mr. DOMENICI. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

Mr. DOMENICI. I yield the floor.

Mrs. HUTCHISON. I ask the distinguished chairman of the committee, approximately how long is he asking authors, say amendments to?

Mr. DOMENICI. We are operating under a time agreement where you are in control of 15 minutes and the opposition has 15 minutes.

Mrs. HUTCHISON. Thank you. We will certainly yield back part of our time. Well, I will wait and see what the opposition is.

AMENDMENT NO. 2208

Mrs. HUTCHISON. I call up amendment No. 2208 and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

An amendment numbered 2208 previously proposed by [Mr. DOMENICI] for Mrs. Hutchison of Texas.

Mrs. HUTCHISON. I ask unanimous consent to add Senator GRAMS as a co-sponsor of this amendment.

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

Mrs. HUTCHISON. Mr. President, this is what my amendment does. It is a sense of the Senate that this resolution assumes that any budget surplus should be dedicated to debt reduction or direct tax relief for hard-working American families.

It is really quite simple. This Congress has labored mightily for the last 2 years to come up with a balanced budget. This budget resolution, which has been so ably led by the Senator from New Mexico, and helped by the Senator from New Jersey, is an example of how difficult it has been to actually balance our budget. It has not been easy. It has been tough to make these hard choices, but Congress has done it.

We are talking about a balanced budget and, in fact, surpluses. I am saying, do not fritter away the victory. We have done the tough things. Now is not the time to get wimpy. Now is the time to remain tough, so that we will be able to assure our children and grandchildren that they will not inherit the $5 trillion of debt that has been built up in this country for the last 40 years. It is a time to say we are going to be responsible stewards of this country while we are on the watch deck.

It is time for us to say, it is the sense of the Senate that there are only two responsible choices for spending any budget surplus: either tax cuts for the hard-working American family that is today paying over 38 percent of its income in Federal, State and local taxes—and if you add the regulatory burden on top of that, government is taxing in a way that is costing our families, at the $50,000 level, 50 percent of its income. If we say we are going to give tax cuts to those hard-working Americans or we are going to start paying down the debt for our children and grandchildren, and to keep interest rates low, and to the sense of this Senate for the responsible stewardship of our economy.

We have the highest debt burden today of any peacetime in American history. Economic research shows that tax cuts actually add to the economy. They generate work; they generate jobs; they generate buying power. So it would have a huge impact in a positive way. Debt reduction also has positive returns because certainly it will keep interest rates low and we can continue to invest in our savings.

Not only are taxes at record highs today, but the trend is in the wrong direction. Since President Clinton came into office in 1993, the tax burden as a percent of gross domestic product has climbed 2.1 percentage points. Just reducing taxes to the 1993 levels means the average family would have a tax windfall of $2,500. This is their money. This money is money they earn, and we believe it belongs to them. That is what this sense of the Senate would say to the American people—you earned this money, and it belongs to you, and if we are not going to give you direct tax relief, the surplus is going to pay down the debt so that you will be able to continue to enjoy the great economy we have and we will also give to our children the same stability in a great economy.

The amendment is very simple. I ask my colleagues to vote that we will not cut our interest rates low and we can continue to invest in our savings.

The question of how to use the potential budget surplus has been debated extensively before this Chamber. In my view, tax relief and Social Security reform are all equally important. Tax relief will reduce the growing tax burden on our American families. An Senator HUTCHISON pointed out from 38 percent to more than 50 percent of the incomes of our average families in this country are going to support government rather than supporting their families. But if we give tax relief, it will increase incentives to save, and invest. It will help keep our economy strong. Debt reduction and Social Security reform will address our long-term fiscal imbalances. These two are closely related issues, and I believe they go hand in hand. We can and should be doing both of these at the same time.

There are compelling reasons for supporting this amendment. When we talk about how to use the budget surplus, let us not forget that we generated this surplus in the first place. If, as the administration is predicting, we do achieve a budget surplus, that surplus will have come directly from working Americans, from taxes paid by corporations, from individuals and investors. Clearly, this money belongs to the American people. It has been an overcharge. It is only fair to return it to the taxpayers who earned that money in the first place.

Families today, again, are taxed at the highest level since World War II, with 38 percent to 50 percent of a typical family budget going to pay taxes on the Federal, State and local level. Last year’s tax cuts, I believe, moved us in the right direction, but in reality those tax cuts were too little, too late, too small. After spending the unexpected $225 billion revenue windfall last year, busting the 1993 spending caps, Washington delivered tax cuts only one-third as large as lawmakers had promised back in 1994.

Recent polls show that 89 percent of the American people believe that taxes on all levels of government should not consume more than 25 percent of their income. Again, 89 percent of Americans believe that all levels of taxes should not consume more than 25 percent of their income, and 77 percent also believe that estate taxes should be eliminated.

Lower tax rates, again, increase incentives to work, save and invest. They help families to maximize their income and improve their standard of living. They allow families to allocate their personal dollars to their own needs, not to go out and meet the needs of disconnected spenders located in Washington. So, again, cut taxes and families today, who are forced to scrimp just to cover their monthly bills and their taxes, would find that they have more money to spend on their children’s education, on their health care expenses,
on food, clothing and insurance, etcetera. If we are truly interested in giving our families the tools that they need to help raise their children, isn't it about time that Washington cut their taxes instead of limiting their choices?

Beyond the direct benefits to families, tax cuts can also have a substantial and very positive impact on the economy as a whole. John F. Kennedy proved it. Ronald Reagan proved it. So we should not spend a budget surplus that never exist. If a surplus does develop, the Government has no claim on it because the Government did not generate it. So I do not believe Washington should be first in line to reap the benefits of any surplus.

A surplus, again, will be the direct result of the hard work of the American people, and, therefore, it should be returned to the American people, either in the form of additional tax relief or beginning to pay down this tremendous amount of national debt.

So, Mr. President, a vote for the Hutchison-Grams amendment is a vote for families. I believe it is a vote for fiscal sensibility in Washington, and I urge my colleagues very strongly to give their support.

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

The PRESIDING OFFICER. Who yields time?

Mr. DOMENICI. Mr. President, how much time does the Senator from Texas have?

The PRESIDING OFFICER. Four minutes 34 seconds.

Mr. DOMENICI. Is the minority going to respond?

I suggest the absence of a quorum, and I ask unanimous consent it be charged equally.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LAUTENBERG. 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. LAUTENBERG. Rise to oppose the amendment of the Senator from Texas, Senator HUTCHISON. It would rejet President Clinton's call to save Social Security first.

Now, the Hutchison amendment calls for diverting part of any surplus for tax breaks. It therefore directly contravenes the President's plan to preserve Social Security benefits for baby boomers and other young Americans. For the first time in 30 years, Mr. President, we are probably going to have a budget surplus at the end of 1998—1998, that is, the current fiscal year. It ends September 30.

The forecast for the coming decade is for continued surpluses—$1 trillion over the next decade. We have tightened our belts, we have restored fiscal responsibility, and these surpluses are largely the product of our joint hard work.

What do we do with the surplus? On this question, the President has spoken clearly and unequivocally. I agree, before we spend a penny of any surplus, we should save Social Security first. A decade from now, the baby boom generation, which is in the majority, is going to be living longer and having fewer children. That means fewer workers will be contributing to Social Security for each beneficiary. These forces will put stress on the Social Security system. It could have a real impact on our economy.

If we do not maintain fiscal discipline, plan ahead, we could reduce the quality of life for our children and thus jeopardize the most important safety net for protecting senior citizens against poverty. That is why the President has been so consistent that we save Social Security first.

So the amendment offered by the distinguished Senator from Texas is, in my view, misguided. I heard the Senator talk about restraining ourselves, about returning money to the citizens as quickly as we can. The President shares that objective. What he says is, before we save Social Security first, he talks about doing it through paying down the debt. If we look at where we are now, I have to say, the President's leadership in managing this economy is pretty good. This doesn't mean that our friends on the Republican side haven't worked together with us and the administration to do things. This isn't pointing a finger. It is recognizing where we are: The lowest inflation rate, perhaps, in 30 years, in terms of the consistency and the level of the rate; the lowest unemployment rate in decades; the best growth rate in the economy that we have seen in decades; perhaps the best economic condition that this country has ever seen—maybe any country has ever seen.

We are on the right track, and we are paying down debt. We have gone from almost $300 billion when President Clinton took office to a prospective surplus in 1998, a period of 6 years. That is quite an accomplishment.

Why is it, at a time like this, that we suddenly recognize, 'My gosh, we have a huge deficit out there and we better get it paid down'? That is what the President agrees, except he provides the leadership to do it.

I urge my colleagues to resist the short-term temptations. Confirm the fact that we have Social Security. Confirm the fact that we want to pay down the debt. Let's continue to work together, not point fingers at who is at fault. If we are going to point fingers at who is at fault, we had better point fingers at ourselves. We have helped in the excellent job we have done together, and it was not all done by Alan Greenspan, as much respect as I have for him. I want to make sure Social Security will be there to protect younger Americans as it is here today for parents and grandparents.

Mr. President, we have had all kinds of attacks on the present condition. Frankly, I scratch my head and say, 'What are my friends looking at? I see a stock market that is thriving—and I am not here to prognosticate the future of the stock market, but I heard a very distinguished economist, a personal friend of mine, on the air this morning. His name is Greenspan. He is with a New York firm. He says that he thinks the economy is in pretty good shape in terms of the market. He doesn't see any reason to get overly concerned about sudden market dips. He doesn't predict that the market is going to continue straight up, but he predicts it is on a good, solid base. So the worry tree is sprouting buds here. I don't know whether it has to do with the political condition we will be facing when we get out there and talk to voters or exactly what it is. I want to be as frugal, as thrifty, as the next one, but I also want to make sure we maintain the service of our responsibilities to the people in our society, that we don't spend the money as some at the top are still able to afford a college education for their child so that child can learn, to make sure there is sufficient housing for people, to make sure there are jobs for people who are moving from welfare to work. We had better have a plan for them.

There are lots of worries and concerns, as I guess there always are with mankind, no matter what the conditions are. Recognize what we have, recognize where we have come, and at least admit we are doing the right kind of a job.

So I don't want to do anything that will restrict the way we function with this economy of ours. That is why I don't want to succumb to the short-term temptation and take money out of programs to pay down the debt. We have a program laid out on just how we will do these things.

I hope my colleagues will say no to any amendment offered by the distinguished Senator from Texas.

I yield the floor.

Mrs. HUTCHISON. Mr. President, I say to my colleague from New Jersey that he can very well vote for my amendment and still do what he says he wants to do, and that is, save Social Security first, because my amendment just lays out the framework for what our priorities would be.

What it says is that there are only two reasons we should spend the surplus: For tax cuts for the hard-working American family, or for debt reduction, which would save Social Security.

I support saving Social Security first with all of the surplus, and that would be possible under my amendment. But what we are saying is, we are not going to do anything else with the surplus. We are not going to go on new spending binges. We are going to live within our income. We are going to prioritize our budget, just like every family in America. We are doing so with that budget. And every penny of surplus can only go to one of two purposes: One is tax reductions on the
hard-working American family, and the second is to pay down debt. If we continue to pay all the debt, to save Social Security, you can vote for my amendment and be very happy that all of the Congress will support debt reduction on our two priorities.

I hope everyone will support this sense of the Senate, because I think it does set our priorities, just as this budget resolution does. That is what a budget resolution sets the priorities.

I yield the floor.

Mr. LAUTENBERG. Mr. President, is the Senator from Texas ready to yield back time? If so, I yield back my time.

Mrs. HUTCHISON. I yield back the remainder.

Mr. LAUTENBERG. I yield back the remainder of my time.

The PRESIDING OFFICER. All time is yielded back.

AMENDMENT NO. 2176

Mr. DOMENICI. In the interest of reducing the time, I will accept the Boxer amendment numbered 2176, and I yield back the time I was going to use to speak, and she has yielded all her time but 1 minute.

Mr. LAUTENBERG. I yield that time back.

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

The amendment (No. 2176) was agreed to.

Mr. DOMENICI. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 2226

Mr. DOMENICI. I believe we will go to Senator ROCKEFELLER, if he is ready.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. ROCKEFELLER. Mr. President, I call up my amendment numbered 2226 and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

Amendment numbered 2226, previously proposed by the Senator from West Virginia (Mr. ROCKEFELLER).

Mr. ROCKEFELLER. Mr. President, we have a very interesting amendment to propose and I think a very important one. I want to say first, I fully support highway funding. Obviously, in a State like West Virginia, where it is mostly mountainous, highway funding is more important and more expensive than most places. I supported Senate passage of ISTEA. We are spending $217 billion on highway funding this year.

When I was Governor, I helped get an amendment passed in this Congress, which was actually referred to as the Rockefeller amendment, which said if States had accumulated money, they went to the head of the line on interstate highway building and got their money from the Federal Government first.

Again, this is in no way an antihighway amendment, as some are very anxious to label it. It is, however, very much a pro-veteran amendment. The amendment has one purpose and one purpose only: To protect veterans funding from a midnight raid—nothing less—by the administration and the Budget Committee. The raid isn't really a raid. It is the authorization of the Veterans' Committee to see that the needs of the Nation's veterans are met. In this case, I am talking particularly about disabled veterans.

It is as simple as that. The veterans' account under the budget authority is being cut by $10.5 billion to pay for an enormous increase in highway funds. This money is in the veterans' budget baseline. Frankly, they are taking it away from disabled veterans and putting it into highways, where we already have $217 billion. My point is they need to find another offset.

I think my colleagues would want to know just what is being done here, because it is not a pretty sight. First, what is the law about? Veterans law generally requires the VA to pay disability compensation to veterans for any injuries, diseases, or conditions they incur while they are in service in the military. After long debate, and for very good reasons, the Government long ago decided that veterans disability compensation is not limited to only combat-related conditions. The budget resolution would change that.

In 1993, the VA general counsel in a Republican administration interpreted the law to require the payment of disability compensation to veterans who could prove they had become addicted to tobacco while in military service if that addiction continued without interruption and resulted in an illness and disability.

It is important to remember that this is a very, very tough test for veterans to meet. And very few veterans—only about 8 percent of those who have made such claims—have been able to meet this test so far. In my home State of West Virginia, where there are approximately 200,000 veterans watching this debate closely, as of March 10, only 250 smoking-related disability claims have been filed and, of that number, only 6–6 had been granted so far. What this says to me is that these are tough claims to substantiate. This tough test is the very reason that so few claims have been filed and why so few have been granted.

Even the military now acknowledges that it played a significant role in fostering addiction in very young men and women in the service. How did the military do this? One, by distributing free cigarettes in C-rations and K-rations. Two, by creating a culture that encouraged smoking at every opportunity, a culture of "smoke 'em if you've got 'em." And three, by selling tobacco products at vastly reduced prices, prices as much as 76% less than in civilian markets.

Mr. President, whether or not a veteran became addicted to tobacco during military service, the results of that addiction are issues that the VA has correctly decided, under existing law, should be determined by its triers of fact. This is the law currently. This is the law that the Budget Committee would unilaterally change.

Now we get to the midnight raid. In approving the fiscal year 1999 budget resolution, the Senate Budget Committee assumes a $10.5 billion cut from the veterans account—from disabled veterans, in effect—to partially fund the very large increase in ISTEA funds. The Budget Committee made this transfer based upon their decision to totally bar any veterans' claims for disabilities resulting from any tobacco-related illnesses. But not only did the Budget Committee make this raid on veteran compensation for disabled veterans under the budget resolution, the Committee on Veterans' Affairs' jurisdiction over this issue is totally removed. And lo and behold, where does it appear to go? It appears to be solely placed in the realm of the Transportation Subcommittee of the Appropriations Committee.

Mr. President, this type of gimmickery makes a mockery of our budget process and of regular order in the Senate. It makes a mockery of the system of the Senate, which so many of our Senators are fond of talking about. This budget resolution will ultimately result in the erosion not only of the Veterans' Committee's authority, but of all authorizing committees' authority to determine policy. The budget committee is saying to us on the Veterans' Committee, who take our work seriously, we will decide for you, who in the Appropriations Committee will decide for you, decide policy in the authorizing committee.

Let's put a human face on this issue. Just who are the people that this VA compensation is helping? In Huntington, WV, Robert Christian is a 71-year-old World War II veteran. He entered the Navy when he was 17 years old. He began smoking cigarettes supplied by the Navy while on a ship headed to the Pacific, where he was involved in three separate invasions during that war.

Robert is just one of thousands of World War II veterans who became addicted to cigarettes supplied by the military. Don't talk about personal choice. His cigarettes were supplied by the military. So have Robert and has been addicted for 24 years. Today, he has bronchitis and emphysema as a result of his addiction. He receives regular treatments to help him breathe.
Because Robert and his physicians were able to make the connection between his bronchitis and his nicotine addiction, his medical disability has been service-connected by the Department of Veterans Affairs. Under the budget resolution, veterans like Robert would not be able to seek help. That is a disgrace.

His disability check is not a lot of money, I might add. But the real asset in this case is his VA health care. Now, as a service-connected veteran, Robert is able to go to the VA medical center for treatment of his service-connected condition. He is able to get his health care because he is service connected. This would change under the budget resolution.

And let’s look at my friend, Larry Stotts of Spencer, WV. Larry joined the Marines at age 18, and he, too, began smoking the cigarettes supplied in service.

Larry was a Korean War combat veteran and one of the Chosin Few. The Chosin Few are veterans of a bloody battle—in driving snow and sub-zero temperatures—at the Chosin Reservoir in Korea in 1950.

Many years of smoking beginning in the military, Larry has chronic obstructive pulmonary disease. It is so severely disabling that the VA has granted—under the very law now proposed to be struck down—a 100% service-connected disability and free medical care.

So when you take away this Department of Veterans Affairs compensation, remember that VA health care is now being provided on a priority basis. It has to do with your service-connected status or income level, and the first priority is for medical conditions linked to service in the military. A vote to deny VA compensation for smoking-related illnesses due to Government-sponsored nicotine addiction, which is the case in service when they were young men and women were teenagers, is also a vote to deny veterans health care—not just compensation for being disabled, but health care to thousands of veterans who turn to the VA for treatment of their smoking-related diseases. This is indeed a sorry statement about this country’s sense of obligation to those who served our country. Mr. President, this issue is much clearer to those who served our country. Mr. President, this issue is much clearer.

The PRESIDING OFFICER. The Senate is now in order. Senator Rockefeller of West Virginia asks for the floor.

Mr. ROCKEFELLER. I yield 2 minutes to the Senator from Colorado.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. CAMPBELL. Mr. President, I thank my friend from West Virginia, I want to make a couple of remarks. It is amazing to me how much we praise the actions of our military when they are putting their lives on the line and how quickly we forget them during peacetime or after they leave the military. This highway bill is important. I do, too, that our Nation’s highways are in disrepair. But we have human beings that are also in disrepair in our veterans’ ranks. We put $217 billion into the highway fund this year, which is almost $40 billion more than anybody expected. We have done a good job on funding our highways. I hope that we do an equally good job on funding the benefits for our sick veterans.

As my colleague from West Virginia mentioned, the administration—I don’t, frankly, think they understand the ramifications of this because when I was in the service, I can remember, as Senator Rockefeller alluded to, that there was no counseling not to smoke. In fact, as he said, it was “smoke ‘em if you got ‘em.” That was the common thing to do at virtually every break. We were told, “If you want to smoke, go ahead, do it.” There weren’t any labels on the packs, and the cigarettes were free. You were actively encouraged to smoke. To say that it is somehow the veterans’ fault and to say that they voluntarily smoked is a stretch of the imagination. I know we have pot-holes in our highways, but we ought to also be concerned with the bullet holes that we put in some of the veterans.

To raid the veterans’ health care funds to put it in the highways, I think, is absolutely outrageous.

I want to associate myself with the comments of my colleague from West Virginia. I applaud him for his courageous stand on trying to protect the veterans of our Nation.

I yield back my time.

Mr. ROCKEFELLER. Mr. President, I reserve the remainder of my time, and I ask for the yeas and nays on my amendment. The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second. The yeas and nays were ordered. The PRESIDING OFFICER. Who yields time?

Mr. DOMENICI. Mr. President, it is very difficult to listen to words like, “The President of the United States is looting a veterans’ health care program,” “The Senate Committee continues to loot.” Mr. President, almost everybody on that Budget Committee who voted for this probably votes for everything the United States Congress proposes for veterans. But what has happened here is very, very interesting. Here is the expansion in a dramatic way. One would assume it is rather dramatic, since it is going to cost almost $10 billion over 5 years. Congress has never voted on the program, number one. It is so inconsistent, in terms of causal connection between something that happened while you are in the military and your death, that the President of the United States, on two occasions—not one, but two successive budgets—has not funded any money to administer this expanded program.

As a matter of fact, this year the President refused to fund it and removed the money needed from the veterans’ overall available moneys. I assume because the President believed it probably was never going to happen. That is two points. The third point: Not a single claim under this proposed expansion has ever been granted to this day. I take that back. The staff says 200 claims have been granted.

What we are saying is the President is right on this one. Before the afternoon is finished, we hope we can talk about another way to see who is right without having to do what the distinguished Senator from West Virginia, Mr. Rockefeller, asks for. We are working on that, because, if anything, Mr. President, and fellow Senators, we ourselves need some clarification about what this program is all about. I want to give two examples. I am not an expert like my friend Senator Rockefeller, who is on the Veterans’ Committee, apparently is, Senator Specter, who works hard in that area and is chairman.

Here is one example. If a young man started to smoke when he was 16 years old and he smoked for 4 years, and he joined the Army when he was 20 and he smoked for 4 more years, and he only served 4 years and he got out, and then he continued to smoke for 40 years, and he got cancer, this expansion of the program never before considered says that the Federal Government, the military, is responsible for his cancer. Do you have that? He started smoking before he went in. He smoked for only 4 years while he was there. Now he gets a benefit for cancer. If he dies, his widow gets a widow’s allowance because something happened to him in the military and we should pay for the death and a widow’s allowance. Frankly, I do not believe anybody who has
been talking about this veteran's benefit understood that.
I will give you the more typical one.
You join the military. Most of these are going to be people who were not in for a long time because they are the veterans who were coming in while we had the draft. So you have a 20-year-old joining and he smokes. Here is one. He smokes for the 2 years that he is in. Then he continues thereafter to smoke for 40 more years. He dies of cancer. His widow gets a benefit allowance because he smoked for 2 years in the military, and continued thereafter on the premise that he became addicted to nicotine in the military and, therefore, we should pay for it.
There are all kinds of examples like that. I don't know all of the examples.
Of the three that I stated, one of them may not be exactly right. But I am in the ballpark about what is happening.
I believe we ought to follow the lead of the President and not permit this program to go into effect now. I did not say that we should kill the program. I said I believe we should come up with a way so that we don't implement the program now so that we don't create any false hope immediately, but that we first appropriately evaluate and that we find out here in the Congress what it is all about. I am hopeful before too long that we will have an approach to try to do that. I know frequently in these kinds of situations we don't do it. A lot of good to talk and to explain because maybe people have already made up their minds. I hope not on this.
Let me tell you, there is no question that we are not denying veterans any health benefits they are getting today. If 200 people have gotten the claims, it certainly is just the beginning. There will be many more. We ought to take a good look at it before we decide that it is right. Frankly, I look forward to talking about this in an appropriate way for a reasonable period of time. I hope the veterans' groups in this country will say, well, the Senate quite appropriately wanted to take a look. They did not say we weren't entitled to this. But it is very, very different than anything we have done before. In a sense, it is sort of saying if you smoked at any time in the military and smoked thereafter, that the military is responsible for everything that happens to you for the rest of your life. I believe we should do that, and that is not the way the President and not permit this program to go into effect now. I did not say that we should kill the program. I said I believe we should come up with a way so that we don't implement the program now so that we don't create any false hope immediately, but that we first appropriately evaluate and that we find out here in the Congress what it is all about. I am hopeful before too long that we will have an approach to try to do that. I know frequently in these kinds of situations we don't do it. A lot of good to talk and to explain because maybe people have already made up their minds. I hope not on this.
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Mr. ROCKEFELLER. I yield 2 minutes to Senator SPECTER.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized for 2 minutes.

Mr. SPECTER. Mr. President, I believe the funds are entitled to be compensated for illnesses related to smoking because that has been the determination of the General Counsel of the Veterans Administration and the doctors who have analyzed this program. The Veterans’ Affairs Committee had an extensive hearing on this matter a few days ago. The reallocation of $10.5 billion to another expenditure line, I believe, is unfair to the veterans of America. Young people are taken away from homes. They are put in situations of stress. Cigarettes are provided either free or at a low cost. The determination has been made by the General Counsel that nicotine dependence is a disease and it is compensable. If the money is not to go for tobacco-related illnesses, it ought to remain in the VA funds generally, because the VA funds are very, very limited for the tremendous obligation owed to the veterans of America.

I believe another source of funding might be found outside the tobacco funding. And as much as I want to see the highway program proceed, and highways are very necessary as a matter of infrastructure for America, I believe the veterans’ benefits come first. I do not believe we need any additional funding. And as much as I want to see the highway program proceed, and the highway program proceed, and as much as I want to see the highway program proceed, and as much as I want to see the highway program proceed, I believe the veterans’ benefits come first.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. ROCKEFELLER. Regular order, Mr. President. Mr. President, I believe I had—

The PRESIDING OFFICER. No; the time of the Senator had expired, and the manager was recognized.

The clerk will report the amendment of the Senator from New Mexico.

The PRESIDING OFFICER. The amendment is as follows: The Senator from New Mexico, Mr. DOMENICI, for himself, Mr. CRAIG and Mr. LOTT, proposes an amendment numbered 2283 to amendment No. 2226.

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

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

The amendment is as follows:

On page 14, line 7, strike “$51,500,000,000.” and all that follows through line 24, and substitute in lieu thereof the following:

$51,500,000,000.

(B) Outlays, $42,800,000,000.

Fiscal year 2000:

(A) New budget authority, $51,400,000,000.

(B) Outlays, $44,700,000,000.

Fiscal year 2001:

(A) New budget authority, $52,100,000,000.

(B) Outlays, $45,700,000,000.

Fiscal year 2002:

(A) New budget authority, $54,000,000,000.

(B) Outlays, $54,000,000,000.

Fiscal year 2003:

(A) New budget authority, $52,000,000,000.

(B) Outlays, $46,900,000,000.

On page 25, line 8, “—$300,000,000.” and all that follows through line 25, and substitute in lieu thereof the following:

—$300,000,000.

(B) Outlays, $1,900,000,000.

Fiscal year 2000:

(A) New budget authority, $1,200,000,000.

(B) Outlays, $1,200,000,000.

Fiscal year 2001:

(A) New budget authority, $2,700,000,000.

(B) Outlays, $3,000,000,000.

Fiscal year 2002:

(A) New budget authority, $3,800,000,000.

(B) Outlays, $7,000,000,000.

Fiscal year 2003:

(A) New budget authority, $5,400,000,000.

(B) Outlays, $5,000,000,000.

In lieu of the language proposed to be stricken, insert:

(6) For reductions in programs in function 700, Veterans Benefits and Services: For fiscal year 1999, $500,000,000 in budget authority and $500,000,000 in outlays; for fiscal years 1999–2003, $10,500,000,000 in budget authority and $10,500,000,000 in outlays.

(7) Sense of the Senate on VA compensation and post-service smoking-related illnesses.

(a) FINDINGS.—The Senate finds that—

(i) the President has twice included in his budgets a prohibition on the entitlement expansion that the Department of Veterans Affairs referred to as the ‘‘VA smoking’’ program. This program is proposing to allow post-service smoking-related illness to be eligible for VA compensation;
Mr. DOMENICI. I yield myself 2.

Mr. President, this amendment is very simple, and I think it is a fair amendment. This amendment says that for the next year this program will be held in abeyance. And during that year—the Budget Administration, the General Accounting Office, and the Office of Management and Budget will meet, analyze, and make recommendations to the President of the United States and to the Congress of the United States.

I believe that enough has been said here on the floor, enough is there by virtue of the President of the United States deciding what he has decided for 2 consecutive years, that we really ought to make sure we receive the best information about what is the right and fair and honorable thing to do.

I do not believe that anybody expects we should pay a widow's allowance, and for cancer, for a veteran who spent 2 years in the military and smoked, or for a veteran who spent 5 years in the military and smoked, and then smoked for 40 years thereafter. I believe we need some clarification and some real details on this, because this is a very large expenditure of money and it should be considered as a compensable disability.

In fact, there is a reasonably causal relationship between a veteran's service and the illness from which a veteran died. If there is a reasonable causal relationship and it does encompass as many ought claim under this, then I think ought to claim. This group of people spend at least a year, or whatever time it takes, and report to us on the effects of the General Counsel's interpretation of a general statute with relationship to nicotine.

I yield the remainder of my time to the distinguished Senator from Idaho.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Mr. President, the chairman of the Appropriations Committee has explained our intent with this amendment. Let me read it:

The Secretary of the Department of Veterans Affairs, the Office of Management and Budget and the GAO are jointly required to—

(a) jointly study (referred to in this section as the “study”) the VA General Counsel's determination and the resulting actions to change the compensation rules to include disability and death benefits for conditions related to the use of tobacco products during service; and

(b) deliver an opinion as to whether illnesses resulting from post-service smoking should be considered as a compensable disability.

(c) the estimated numbers of those filing such claims, the cost resulting from such benefits and that necessary to receive such claims, and how such a number of claims will affect the VA's ability to review its current claim load;

(d) an examination of the proposed change corresponds to prior VA policy relating to post-service actions taken by an individual; and

(e) that Federal benefits, both VA and non-VA, former service members having smoking-related illnesses are eligible to receive.

The study shall be completed no later than July 1, 1999.

The Department of Veterans Affairs and the Office of Management and Budget shall report their finding to the Majority and Minority Leaders of the Senate and the chairman and ranking minority members of the Senate Budget and Veterans' Affairs Committees.

The PRESIDING OFFICER. There are 10 minutes equally divided on each side on this second-degree amendment.

The Senator from New Mexico.

Mr. ROCKEFELLER. Mr. President, I yield 3 minutes, and then I yield 3 minutes to Senator Craig.

The PRESIDING OFFICER. The Senator only has 5 total.

Mr. DOMENICI. Mr. President, I yield myself 2.

Mr. President, this amendment is very simple, and I think it is a fair amendment. This amendment says that for the next year this program will be held in abeyance. And during that year—the Budget Administration, the General Accounting Office, and the Office of Management and Budget will meet, analyze, and make recommendations to the President of the United States and to the Congress of the United States.

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I yield the remainder of my time to the distinguished Senator from Idaho.

Mr. ROCKEFELLER. Mr. President, I yield 1 1/2 minutes to the Senator from Minnesota.

Mr. WELLSTONE. I thank my colleague.

Mr. President, I don't know how to say much in a minute and a half. Let me say that I hope my colleagues from Idaho that I believe the second-degree amendment is not a step forward. I think it is a great leap sideways. A study is not what we are talking about. You don't have to be a rocket scientist to know what is at issue here. This is money that we believe should have gone to veterans for compensation. If it doesn't go directly for compensation, this $10 billion-plus ought to go into the VA budget. It ought to be there for disabled veterans. It ought to be there for health care for veterans.

There are a lot of gaps. There are a lot of holes in this VA budget. As is, we are not living up to a contract for veterans. My colleagues are absolutely right in what they are doing, and I rise to speak on the floor of the Senate to support the Rockefeller-Specter amendment. I hope we will defeat the second-degree amendment and pass this amendment.
The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I oppose the amendment in the second degree because an additional study is not necessary. The matter has already been studied extensively by the Veterans Administration. There has been an opinion of the General Counsel that nicotine is a disease and that it is compensable. A study might be all right if we did not take $10.5 billion off what ought to be in the Veterans' Affairs account. The Department of Veterans' Affairs accounts for $51,000,000,000.

I believe the underlying amendment by the Senator from West Virginia is accurate. The second-degree amendment ought to be defeated. I will yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. ROCKEFELLER. Mr. President, I ask the Presiding Officer to tell the Senator from West Virginia when he has only 1 minute remaining.

Mr. President, the Craig amendment would cut $10.5 billion in veterans' funds in the budget resolution. No. 2, the Craig amendment still allows money to be cut and then to reauthorize—as he says, we will do a study for a year—incidentally, by the same people, a study by exactly the same people who came up with this solution, to cut the money.

But in order to reauthorize the veterans' disability benefit, the Congress—everything would then be subject to PAYGO, and my colleagues had better understand that Congress would then have to cut off another veterans' benefit. So this is a blind path that we are going down. A vote in favor of the Craig amendment is a vote to shift $10.5 billion away from disabled veterans.

Mr. President, I yield back my time.

AMENDMENT NO. 2217 TO AMENDMENT NO. 2221
Mr. ROCKEFELLER. Mr. President, I send a perfecting amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from West Virginia [Mr. Rockefeller] proposes an amendment numbered 2224 to amendment No. 2221.

Mr. ROCKEFELLER. Mr. President, I send a perfecting amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from West Virginia [Mr. Rockefeller] proposes an amendment numbered 2224 to amendment No. 2221.

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

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

Mr. KYL. I note, Mr. President, that this amendment was supposed to have been discussed earlier. That undoubtedly accounts for the small crowd, because it should have occurred already.

However, I was not here at the time and, therefore, it will be the last amendment discussed prior to the time the votes start, for the benefit of my colleagues.

This is a very straightforward amendment. It expresses the sense of the Senate in favor of a supermajority vote for raising taxes.

Mr. President, the tax burden imposed on the American people has grown so large that it is beginning to act as a drag on the Nation's economy. As a share of the gross domestic product, revenues to the Treasury will rise from 19.9 percent this year to 20.1 percent next year. That would be higher than any year since 1945, and it would be only the third year in our entire history during which revenues have exceeded 20 percent of the national income. Notably, the first two times that revenues broke the 20 percent mark, the economy tipped into recession.

Mr. President, we are talking about something very serious, and that is the possibility that this great economic engine that has been creating budget surpluses for the Federal Government and a great standard of living for the American people could come to a screeching halt if we do not begin to do something about the tax burden imposed upon the American people.

Most of us believe it would have been prudent to consider more tax relief in the budget this year. But it seems to me that if the Congress and the President cannot agree on more tax
relief, we at least ought to be able to agree that taxes should go no higher. The House of Representatives, I inform my colleagues, is scheduled to vote in April on an initiative to make it much harder for Congress to raise taxes. It would require a two-thirds majority vote in each house in order to add to the tax burden.

The sense-of-the-Senate amendment that I have offered now will begin the debate in the Senate as well. I do not specify a particular percentage that would constitute a supermajority for purposes of raising taxes, but simply request that we go on record as expressing support for the principle that a supermajority should be required. I will briefly explain why.

A third of the Nation's population imposes tax limitations on their State governments. Voters have approved tax limits by wide margins, so this is not something new or risky. In my home state of Arizona, for example, a tax limitation passed with 70 percent of the vote, and we are one of the fastest growing States in the Nation. We have one of the lowest tax burdens, one of the highest rates of growth. In Florida, another high-growth State, a tax limitation was adopted with 69.2 percent of the vote; in Nevada, with 70 percent. I daresay, Mr. President, these are probably three of the fastest growing States in the country.

A tax limitation ensures growth, reduces the rate of inflation, and provides a sense of stability. Yet, American taxpayers are not fully convinced that I have offered now will begin the debate in the Senate as well. I do not specify a particular percentage that would constitute a supermajority for purposes of raising taxes, but simply request that we go on record as expressing support for the principle that a supermajority should be required. I will briefly explain why.

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A tax limitation ensures growth, reduces the rate of inflation, and provides a sense of stability. Yet, American taxpayers are not fully convinced that a two-thirds majority provision is gaining momentum. Politicians can only ignore the sense-of-the-Senate amendment with 70 percent of the vote; in Nevada, with 70 percent. I daresay, Mr. President, these are probably three of the fastest growing States in the country.

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S3074

Congressional Record — Senate
April 2, 1998

National Association of Manufacturers
National Association of Wholesaler-Distributors
National Federation of Independent Businesses
National Tax Limitation Committee
National Taxpayers Union
National Taxpayers United of Illinois
Senior Coalition
Small Business Survival Committee
60 Plus Association
United Seniors Association


JON KYL, U.S. Senate, Hart Senate Office Building, Washington, DC

DEAR SENSATOR KYL: National Taxpayers Union, America’s largest grassroots taxpayer organization, strongly supports your “Sense of the Senate” Tax Limitation Amendment to S. Con. Res. 86, the FY ’99 Budget Resolution.

Your amendment would put the Senate on record as favoring a super majority vote for the enactment of legislation that would raise tax rates, impose new taxes, or otherwise increase the horizons of the only other way that is subject to tax. As perhaps the most important tax limitation vote of this Session of Congress, National Taxpayers Union will likely vote on your amendment as one of the heaviest-weighted pro-taxpayer votes in our annual Rating of Congress.

In addition to supporting tax limitation, your amendment establishes the basic premise of any genuine tax reform. We urge your colleagues to join you in voting for the Kyl amendment on the floor of the Senate.

Sincerely,

JOHN E. BRITTHOUD, President,

[From Citizens for a Sound Economy Foundation, Apr. 12, 1996]

THE CASE FOR A TAX SUPERMAJORITY REQUIREMENT: A LOOK AT THE STATES

BY DANIEL J. MITCHELL

A number of states require at least a three-fifths majority vote to raise taxes. These states have seen lower tax and spending increases, faster economic and job growth, and an accurate and solid fiscal track record. This evidence supports the case for a supermajority requirement to raise taxes at the federal level, which the House of Representatives is scheduled to take up on the floor.

On April 15th, the House of Representatives will vote on whether the Constitution should be amended to require a two-thirds vote to raise taxes. A supermajority requirement eliminates the existing bias in favor of enacting higher taxes. Such a provision is particularly important during times when lawmakers are under pressure to control deficits and balance the budget. Simply stated, if higher spending cannot be achieved by increasing revenue, the only other way of financing new spending is by raising taxes. Requiring a supermajority to raise taxes ensures that a simple majority of politicians cannot continue to spend other people’s money and evade fiscal responsibility.

Critics charge that the supermajority requirement would be a risky, untested idea. This accusation is false. Ten states require at least a three-fifths vote of lawmakers to raise some or all taxes. Supermajorities, needless to say, are just one of many factors that influence these states’ performance. It stands to reason, however, that making it harder to raise taxes would be at least partially responsible for these good numbers. Three states—Arkansas, California, Delaware, Florida, Louisiana, Mississippi, and South Dakota—the evidence shows, that on average, supermajority states have smaller tax and spending increases, grow faster, create more jobs, and accumulate less debt.

SUPERMAJORITY STATES CONTROL TAX BURDEN

On average, states with supermajorities saw their per capita tax collections jump by 102 percent between 1980 and 1992. This is too high, but it is much better than the average 121 percent increase in per capita tax collections that occurred in states without these supermajority protections. In other words, the tax burden rose nearly 20 percent faster in states that did not limit the ability of politicians to raise taxes.

LOWER SPENDING INCREASES IN SUPERMAJORITY STATES

In the supermajority states, per capita state spending on average increased by 132 percent between 1980 and 1992. While this is hardly a record to be proud of, states without supermajority tax requirements experienced average total per capita spending increases of 141 percent. This difference may not be huge, but it is gratifying for even modest improvements in their state’s fiscal performance.

SUPERMAJORITY STATES GROW FASTER

Lower taxes and lower spending are desirable, but the real logic of controlling the size of government is to promote prosperity. Not surprisingly, a supermajority is associated with faster economic growth. States with restrictions on the ability to raise taxes grew by an average of 43 percent in real terms from 1980 until 1992. States that made it easier for politicians to raise taxes, by contrast, only grew by an average of 35 percent during the same period.

SUPERMAJORITY STATES CREATE MORE JOBS

The combination of smaller government and faster growth in supermajority states means that there is more money available for the productive sector of the economy. This means more jobs. In states with supermajorities, total employment increased by an average of 26 percent between 1980 and 1992. In states that allow taxes to be raised by a simple majority, on the other hand, the number of jobs increased by an average of only 21 percent.

SUPERMAJORITY STATES INCUR LESS DEBT

One of the criticisms of supermajority requirements is that politicians would not have the power to raise taxes in times of fiscal crisis, thus requiring revenue levels at higher levels of deficit. Evidence from the states, however, appears to dispel this fear. In the seven states with supermajorities, state debt increased by an average of 271 percent between 1980 and 1992. This is not a good track record, but states without limits on higher taxes saw average debt increases of 312 percent in the same period.

CONCLUSION

Empirical data from the states suggests that tax supermajority requirements serve their intended purpose—helping to limit the growth of government and enabling a more rapid pace of economic growth and job creation. To be sure, a supermajority requirement does not guarantee sound economic policy. The recent tax increase in California, for instance, was enacted in spite of a two-thirds majority requirement. And many states without supermajority requirements, such as Tennessee and Nevada, scored well in the most categories (not surprisingly, the lack of a state income tax seems to be associated with more growth and less government). Nevertheless, past and present performances of states with and without supermajorities seem to confirm the well established relationship between sound fiscal policy and good economic performance. If federal lawmakers approve similar legislation on the federal level, there is every reason to expect positive results.

The PRESIDING OFFICER. The time of the Senator has expired. Who yields time to the amendment?

Mr. LAUTENBERG addressed the Chair.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, I rise in opposition to the Kyl amendment. I assume we have 5 minutes.

The PRESIDING OFFICER. Five minutes.

Mr. LAUTENBERG. I rise in opposition to an amendment presented by Senator Kyl that would call for a constitutional amendment and require a supermajority to vote to increase Federal revenues. This amendment effectively would grant special protection for tax loopholes. In this body, we only require a supermajority vote for things that deserve special protection—Social Security, for example. It would be wrong to give breaks for corporations that we would not allow to keep them to have the same protection as the Social Security trust funds, and it would be outrageous to give those loopholes constitutional protection.

The Founding Fathers had it right the first time. A simple majority vote is all that should be required for this body to act. That is a democracy.

I oppose this amendment and urge my colleagues to vote against it. It calls for a sense of the Senate looking for a constitutional amendment to be offered here.

I am not going to take any more time. I hope that the Members will see that we are giving special protection to tax loopholes when certainly the status doesn’t warrant it, but worse than that, it is more and more talk about a constitutional amendment. Thank goodness it is a sense-of-the-Senate amendment. It has about as much force as so many of the other sense-of-the-Senate amendments that we have already had here. I yield the floor.

Mr. DOMENICI. Has all time been yielded back?

The PRESIDING OFFICER. Does the Senator from New Jersey yield back his time?

Mr. LAUTENBERG. If the rest of the time has been yielded back, then I yield back the time I have.

The PRESIDING OFFICER. All time has been yielded back.

VOTE ON AMENDMENT NO. 217

The PRESIDING OFFICER. We now proceed under the previous order to vote on amendment No. 217. The question is on agreeing to the amendment. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from North Carolina (Mr. HELMS) is necessarily absent.

I further announce that, if present and voting, the Senator from North
Mr. FORD. I announce that the Senator from Hawaii (Mr. INOUYE) is necessarily absent.

The result was announced—yeas 52, nays 46, as follows: [Rollcall Vote No. 68 Leg.]

**YEARS—52**

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Mr. FORD. I announce that the Senator from Hawaii (Mr. INOUYE) is necessarily absent.

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

The yeas and nays resulted—yeas 42, nays 55, as follows: [Rollcall Vote No. 69 Leg.]

**YEARS—55**

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The PRESIDING OFFICER. On this vote the yeas are 42, the nays 55. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained and the amendment fails.

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. LOTT. Mr. President, it is quarter to 6. We are still working to try to get the list agreed on of what we are actually going to need to vote on. We still have probably 24 or 25 amendments that we still have to vote on—maybe more. But we are working to get that down. In order to get this completed, we need to really start to get rolling on these votes. We have been having them every 10 minutes. The Senator from Alaska is in the Chair. He knows how to do it. I urge Members to stay in the Chamber. We can move these along a lot faster. From here on out they will be gavelled to a close after 10 minutes.

I yield the floor.

**AMENDMENT NO. 2254**

The PRESIDING OFFICER. The pending question is on agreeing to the Specter amendment No. 2254. There are 2 minutes equally divided.

Mr. SPECTER. Mr. President, I ask unanimous consent to waive the Budget Act.

The motion to lay the amendment on the table was agreed to.

Mr. BROWNBACK. Mr. President, I move to reconsider the vote and I move to lay it on the table.

The motion to lay the amendment on the table was agreed to.

Mr. HELMS. I move to reconsider the vote and I move to lay the amendment on the table.

The motion to lay the amendment on the table was agreed to.

Mr. SPECTER. Mr. President, this amendment represents a modified version of the budget that President Clinton submitted to the Congress last month. The amendment incorporates all of the important priorities in the President’s budget, maintains strict fiscal discipline, and adopts the President’s commitment to save Social Security first. The amendment reserves all surpluses until we solve Social Security’s long-term problem. That will help ensure when the baby boomers retire, Social Security will be there for them.

Mr. FORD. I announce that the Senator from Hawaii (Mr. INOUYE) is necessarily absent.

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

The yeas and nays resulted—yeas 42, nays 55, as follows:

[Rollcall Vote No. 69 Leg.]
of 1 percent a cut in all programs. This body has expressed a sense of the Senate that we should double NIH over 5 years, which will call for $2.5 billion a year. This is a lesser amount. We have expectations built up by the sense-of-the-Senate expression of our drudgers. Now is the time to put our dollars behind it. Although there is paperwork to the contrary, Mr. President, although the budget does not determine how it is going to go, which is through the appropriations process, we will have only $300 million in additional outlays for an $80 billion budget by the sub-committee. We need this $2 billion if we are to move ahead on the important NIH functions.

Mr. DOMENICI. Mr. President, fellow Senators, we have $1.5 billion next year for NIH. We have added $1.5 billion to NIH in this budget; $15.5 billion over 5 years. The amendment would add another $2 billion. That would cut defense $1.1 million, environment $88 million, agriculture $17 million, veterans $76 million, justice $6 million, and so on. I believe we have done enough with the $1.5 billion increase and $15 billion over five years. We should not now add another $2 billion more and propose that we reduce defense 20 percent, cut agriculture $17 million, veterans $76 million, and the Senate.

Mr. FORD. I announce that the Senator from Arizona. The question is on agreeing to the amendment of the Senator from Arizona. The yeas and nays have been ordered. The yeas have been yielded back. Are the yeas 60, 70, 71 percent of the vote. It has not hurt the economy. In fact, it has helped the economy of those States.

The House of Representatives will be considering a constitutional amendment to do this. The Senate will probably not be considering that. But I do think it is important, before tax day, April 15, for the Senate to at least express its view that it ought to be as hard to raise taxes as it is to cut taxes. That means we should have some kind of a supermajority to raise taxes here in the U.S. Congress.

It is a sense of the Senate. It expresses a very simple proposition that Americans are taxed enough and that to tax them any more should require more than a bare majority of the House and the Senate.

The PRESIDING OFFICER. Who seeks time?

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

Mr. D’AMATO. I move to lay that motion on the table.

The motion to lay on the table the amendment (No. 2254) was agreed to.

AMENDMENT NO. 2221

The PRESIDING OFFICER. The pending amendment is now the Kyl amendment No. 2221. There are 2 minutes equally divided.

The Senator from Arizona.

Mr. KYL. Mr. President, colleagues, this is a very straightforward sense-of-the-Senate resolution. It would simply express the sense of the Senate that we support a supermajority to raise taxes. Many of the States in this country now have supermajorities. In some of the fastest growing States like Arizona and Florida and Nevada, our State legislatures pass supermajorities to raise taxes with 69, 70, 71 percent of the vote. It has not hurt the economy. In fact, it has helped the economy of those States.

The motion to lay on the table the amendment (No. 2221) was agreed to.

AMENDMENT NO. 2222

The PRESIDING OFFICER. The pending amendment is the Presiding Officer’s. Is there a sufficient second?

Mr. FORD. I announce that the Senator from Hawaii (Mr. INOUYE), is necessarily absent.

The result was announced—yeas 50, nays 48, as follows:

[Roll Call Vote No. 71 Leg.]

YEA—50

Abraham
Allard
Ashcroft
Bennett
Bingaman
Boren
Breaux
Bryant
Byrd
Craig
D’Amato
Domenici
Durbin
Dodd
Dorgan
Feinstein
Ford
Gramm
Grassley
Hagel
Hatch
Hutchison
Inhofe
Kempthorne
McClellan
McCain
Nakak
Nayes
Peterson
Reed
Reid
Robb
Sarbanes
Snowe
Smith
Whitehouse
Wyden

NOT VOTING—2

Helms
Inouye

NAYS—48

Akaka
Baucus
Biden
Bingaman
Boumediene
Brownback
Burns
Boxer
Byrd
Baucus
Biden
Bingaman
Byrd
Cleland
Conrad
Cooper
Dodd
Dorgan
Durbin
Feinstein
Ford
Graham
Grassley
Hagel
Hatch
Hutchison
Inhofe
Kempthorne
McClellan
McCain
Nakak
Nayes
Peterson
Robb
Reid
Sarbanes
Snowe
Smith
Whitehouse
Wyden

NOT VOTING—2

Helms
Inouye

The amendment (No. 2221) was agreed to.

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

Mr. D’AMATO. I move to lay that motion on the table.

The motion to lay on the table the amendment was agreed to.

AMENDMENT NO. 2282

The PRESIDING OFFICER. The pending amendment is Nickles amendment No. 2282. The time is to be equally divided. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, I thank Senator FRIST and Senator COLLINS for speaking on behalf of this amendment. I now recognize Senator Jeffords, who
The legislative clerk called the roll. Mr. NICKLES. I announce that the Senator from North Carolina (Mr. HELMS) is necessarily absent.

I further announce that, if present and voting, the Senator from North Carolina (Mr. HELMS) would vote “yea.”

Mr. FORD. I announce that the Senator from Hawaii (Mr. INOUYE) is necessarily absent.

The result was announced—yeas 98, nays 0, as follows:

[Rollcall Vote No. 72 Leg.]

YEAS—98

Abraham    Faircloth    Lugar
Akaka      Feingold      Mack
Allard      Feinstein      McClain
Ashcroft    Ford         McConnell
Baucus      Frist        Mikulski
Bennett     Glenn         Mosesley-Brumfield
Biden       Gorton        Moynihan
Bingaman    Graham        Murkowski
Bond        Gramm         Murray
Breaux       Grassley      Nickles
Brownback   Hagel         Reed
Bryan       Harkin        Roberts
Bumpers      Harrison      Rockefeller
Burns       Hatch         Roth
Byrd        Rollings      Santorum
Campbell    Hutchinson    Sarbanes
Chafee       Inhofe        Sessions
Coats        Jeffords      Shelby
Cochran      Johnson       Smith (N.B.)
Collins      Kempthorne    Smith (Okl.)
Conrad       Kennedy       Snowe
Coverdell    Keery        Specter
Craig        Kohl          Stevens
D'Amato      Kohl          Thomas
Dasky        Landsman      Thomson
DeWine       Landrieu       Torricelli
Dodd         LeMieux        Warner
Domenech    Leahy         Torricelli
Dorgan       Levin         Warrick
Durbin       Lerman         Wellstone
Enzi         Lott          Wyden

NOT VOTING—2

Helms        Inouye

The amendment (No. 2282) was agreed to.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I hope that our colleagues will vote in support of the sense-of-the-Senate amendment. It says that we should not pass legislation which will protect them. Our amendment says, let us pass the legislation which will protect them.

I urge my colleagues to vote in favor of this amendment.

The amendment (No. 2282) was agreed to.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, the amendment (No. 2282) was agreed to.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, I urge my colleagues to vote against—Mr. President, may we have order?

The PRESIDING OFFICER. Would the Senators please take their conversations to the cloakroom.

The Senator from Oklahoma.

Mr. NICKLES. Mr. President, I urge my colleagues to vote against Senator KENNEDY’s amendment. I tell you, if you voted for the Nickles-Jeffords amendment, you should not vote for Senator KENNEDY’s amendment, because the amendment we just adopted, I guess unanimously, said that we do not want to increase costs. The KENNEDY amendment says, let us pass the so-called patients’ bill of rights. That was introduced 2 days ago. It is 68 pages long. It has lots and lots of mandates, mandates that will increase costs. And as costs go up, the number of uninsured will go up.

This bill has hundreds of regulations in it. So if you want more regulations instead of patient care, that would be what you would be voting for in Senator KENNEDY’s amendment. I mention that this is opposed by individuals from the Mayo Clinic to the Cleveland Clinic to some of the best health care providers in the world. They are saying that are going to provide and spend our time litigation and regulating instead of providing quality health care.

I urge my colleagues to vote no on the Kennedy amendment. And if they voted in favor of the last amendment, they certainly should vote no on the next one. You cannot tell me this thing does not have significant costs to the consumers.

The PRESIDING OFFICER. Time has expired. All those in favor of the amendment—

Mr. NICKLES. I move to table the Kennedy amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the Nickles amendment No. 2282. The yeas and nays have been ordered. The clerk will call the roll.

Mr. NICKLES. Mr. President, the time has expired when we talk about protecting basic rights of patients. The amendment I have offered gives the Senate the chance to go on record as saying it is time for Congress to decide that profits should not take priority over patients. My amendment and this amendment are not in conflict.

The broad principles in my amendment are supported by the American Medical Association, the disability groups, the advocates for mental health, consumer groups, the women groups, and the labor movement.

Let us all vote in favor of the Nickles amendment and then vote equally, and return the favor, for my amendment as well.

The PRESIDING OFFICER. All time has expired.

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

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the Nickles amendment No. 2282. The yeas and nays have been ordered. The clerk will call the roll.
The bill clerk called the roll.

Mr. NICKLES. I announce that the Senator from North Carolina (Mr. HELMS) is necessarily absent.

I further announce that, if present and voting, the Senator from North Carolina (Mr. HELMS) would vote ‘yea.’

Mr. FORD. I announce that the Senator from Hawaii (Mr. INOUYE) is necessarily absent.

The result was announced—yeas 51, nays 47, as follows:

[Rollcall Vote No. 73 Leg.]

YEAS—51

Abraham Frist McCaul
Allard Gorton McConnell
Ashcroft Gramm Murkowski
Bennett Grams Nickels
Bond Grassley Roberts
Brownback Gregg Roth
Burns Hagel Santorum
Campbell Hatch Sessions
Chafee Hutchinson Shelby
Coats Hutchinson Smith (NH)
Cochran Inhofe Smith (OR)
Collins Jeffords Storey
Coverdell Kempthorne Stevens
Craig Kyl Thomas
DeWine Lott Thompson
Domenici Lugar Thurmond
Enzi Mack Warner

NOT VOTING—2

Helm Inouye

The motion to lay on the table the amendment (No. 2185) was agreed to.

The PRESIDING OFFICER. The next amendment is the Hutchison amendment numbered 2208, with 2 minutes equally divided.

The Senator from Texas is recognized for 1 minute.

Mrs. HUTCHISON. This is a budget that will set our spending priorities. What my amendment says is there are only two responsible ways to spend any future surpluses: to pay down the debt, to save Social Security; or to give tax relief to the hard-working American family. If Congress decides to put all the money into debt relief and Social Security, that is consistent with this amendment.

The only reason you would vote against this amendment is if you want Congress in the future to be able to go on spending binges and give the bill to our children. This allows us to put all the money on pay-down debt or to give tax relief.

It is important that we recognize that we have labored mightily. We should not snatch defeat from the jaws of victory on the balanced budget. This is our chance to take a stand. We are going to spend any future surpluses in only two ways—to pay down debt or to give tax relief to the hard-working American family.

I urge Members to support this.

Mr. LAUTENBERG, Mr. President. I strongly oppose the Hutchison amendment. It would reject President Clinton’s call to save Social Security first. Yet, I hear conversations constantly about how everybody is saluting the sanctity of Social Security—preserve it, make sure we shore it up, make sure that we take care of it for future generations. But here we open the gate to use this money that would otherwise be reserved for Social Security for tax cuts. I think that the American people, if asked the question, would say no, we want to pay down the debt, shore up Social Security, and make sure that this money that would otherwise be used for tax cuts, the benefit of which goes principally to those people in the higher income level.

I urge my colleagues to reject this amendment in the interest of saving Social Security first.

The PRESIDING OFFICER. All time has expired. The question is on agreeing to the amendment. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from North Carolina (Mr. HELMS) is necessarily absent.

I further announce that, if present and voting, the Senator from North Carolina (Mr. HELMS) would vote ‘yea.’

Mr. FORD. I announce that the Senator from Hawaii (Mr. INOUYE) is necessarily absent.

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

The result was announced—yeas 53, nays 45, as follows:

[Rollcall Vote No. 74 Leg.]

YEAS—53

Abraham Frist McCaul
Allard Gorton McConnell
Ashcroft Gramm Murkowski
Bennett Grams Nickels
Bond Grassley Roberts
Brownback Gregg Roth
Burns Hagel Santorum
Campbell Hatch Sessions
Chafee Hutchinson Shelby
Coats Hutchinson Smith (NH)
Cochrane Inhofe Smith (OR)
Collins Jeffords Storey
Coverdell Kempthorne Stevens
Craig Kyl Thomas
DeWine Lott Thompson
Domenici Lugar Thurmond
Enzi Mack Warner
Ehlers Inouye

NOT VOTING—2

Helm Inouye

The motion to lay on the table the amendment (No. 2286) was agreed to.

The PRESIDING OFFICER. The pending question is the Rockefeller amendment No. 2294. There has been a motion to table, and the yeas and nays are ordered. In the interest of moving things along, the Chair is going to recognize each side for 1 minute, so we will know what we are voting on.

The Senator from West Virginia.

Mr. ROCKEFELLER, Mr. President, the budget resolution would take $10.5 billion of ‘‘savings,’’ which is in the baseline of the Veterans Administration budget, and remove it, excise it, and put it into more highway funds. There are $217 billion of highway funds over 5 years. What this would effectively also do is bar any veteran’s claim for disability from a tobacco-related illness at a time when the test for getting a tobacco-related illness in the VA is incredibly difficult. Only 278 Americans, to this point, have been deemed that. The whole issue on tobacco and the military has changed in the last 3 or 4 years. We want to restore the money, keep the money in the VA budget and not have it taken out and given to highways, which could find a different offset.

Mr. DOMENICI. Mr. President, I have moved to table.

I would like to withdraw my motion to table so the vote can be an up-or-down vote. I ask unanimous consent to be able to do that.

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

Mr. DOMENICI. Mr. President, I ask everyone on our side to vote in favor of this amendment. Then I want everybody to know that the subject matter will be the Domenici amendment. I will have a minute then, but I will use the remaining 30 seconds to tell you what I think we ought to do. This is potentially a $40 billion program. Congress never voted on it. The President has denied it twice and taken it out of his budget. We believe the best thing to do is to have one more solid look at it by the GAO, OMB, and the VA. They ought to report to us and the President before we engage in a $10 billion-a-year program which is built around the notion that if you ever smoked in the military and then you quit and smoked for 40 more years, you are to collect benefits from the military because you started smoking in the military. That is the essence of this debate.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 2284.

The yeas and nays have been ordered.

Mr. FORD. I announce that the Senator from North Carolina (Mr. HELMS) is necessarily absent.

The amendment (No. 2294) was agreed to.

AMENDMENT NO. 2284

The PRESIDING OFFICER. The pending question is the Rockefeller amendment No. 2294. There has been a motion to table, and the yeas and nays are ordered. In the interest of moving things along, the Chair is going to recognize each side for 1 minute, so we will know what we are voting on.

The Senator from West Virginia.

Mr. ROCKEFELLER, Mr. President, the budget resolution would take $10.5 billion of ‘‘savings,’’ which is in the baseline of the Veterans Administration budget, and remove it, excise it, and put it into more highway funds. There are $217 billion of highway funds over 5 years. What this would effectively also do is bar any veteran’s claim for disability from a tobacco-related illness at a time when the test for getting a tobacco-related illness in the VA is incredibly difficult. Only 278 Americans, to this point, have been deemed that. The whole issue on tobacco and the military has changed in the last 3 or 4 years. We want to restore the money, keep the money in the VA budget and not have it taken out and given to highways, which could find a different offset.

Mr. DOMENICI. Mr. President, I have moved to table.

I would like to withdraw my motion to table so the vote can be an up-or-down vote. I ask unanimous consent to be able to do that.

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

Mr. DOMENICI. Mr. President, I ask everyone on our side to vote in favor of this amendment. Then I want everybody to know that the subject matter will be the Domenici amendment. I will have a minute then, but I will use the remaining 30 seconds to tell you what I think we ought to do. This is potentially a $40 billion program. Congress never voted on it. The President has denied it twice and taken it out of his budget. We believe the best thing to do is to have one more solid look at it by the GAO, OMB, and the VA. They ought to report to us and the President before we engage in a $10 billion-a-year program which is built around the notion that if you ever smoked in the military and then you quit and smoked for 40 more years, you are to collect benefits from the military because you started smoking in the military. That is the essence of this debate.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 2284.

The yeas and nays have been ordered.

Mr. FORD. I announce that the Senator from North Carolina (Mr. HELMS) is necessarily absent.

The amendment (No. 2294) was agreed to.
I further announce that, if present and voting, the Senator from North Carolina (Mr. Helms) would vote "yea."

Mr. FORD. I announce that the Senator from Hawaii (Mr. Inouye) is necessarily absent.

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

The result was announced—yeas 98, nays 0, as follows:

[Rollcall Vote No. 75 Leg.]

YEAS—98

Abraham Faircloth
Akaka Feingold
Allard Feinstein
Ashcroft Ford
Baucus Frist
Benett Glenn
Biden Gorton
Bingaman Graham
Bond Gramm
Boxer Grams
Brown Breaux
Brownback Gregg
Bryan Hagedorn
Burns Harkin
Byrd Hollings
Campbell Hutchinson
Chafee Inhofe
Cleland Johnson
Collins Kemptophere
Conrad Kennedy
Covey Kerry
Craig Kenny
D'Amato Kohl
Daschle Kyle
DeWine Landrieu
Dodd Lautenberg
Domenici Leahy
Dorgan Levin
Durbin Lieberman
Enzi Lott
NOT VOTING—2

Helms Inouye

The amendment (No. 2284) was agreed to.

AMENDMENT NO. 228 TO AMENDMENT NO. 226

The PRESIDING OFFICER. The question now is on an amendment in the nature of a substitute numbered 2283.

The Senator from New Mexico is recognized for 1 minute.

This is the amendment to the pending Rockefeller amendment.

Mr. DOMENICI. Mr. President, essentially the Domenici amendment says this program, which has never been voted on by Congress, which has been put into regulation by order of the counsel for the Veterans Administration, which will cost ultimately $40 billion, we are reducing let us say 1 year, and have the GAO, the Veterans Administration, and the OMB study it and report to us and to the President. The President has denied this program's efficacy, because of concern about the kinds of benefits and whether they are relevant to service in the military, 2 years in a row. We ought to take a little bit of time before we get involved in a $10-billion-a-year program.

I will give you one example. A veteran who smoked 3 years before he went into the service, 4 years in the service, and 40 years thereafter his surviving spouse might very well collect a widow's benefit and other benefits under this particular program.

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

The Senator from West Virginia is recognized.

Mr. ROCKEFELLER. Mr. President, I hope all of my colleagues understand that by voting for the Domenici amendment—which I hope they will not—they will simply completely reverse the vote which they have just made and wipe it all out. That will seem strange, I think, to veterans. This is an up-or-down vote on veterans and their disability benefits. A 1-year study, in the humble opinion of the senior Senator from West Virginia, is a farce, because it is going to be made by exactly the same three groups that came up with the $10.5 billion cut out of the veterans account to put the money into highways. I doubt that they are going to be any different next year, because they will need the money. They will be in to go get the money in the next year.

This cuts veterans. A “no” vote is what I would ask of my colleagues.

Mr. GRASSLEY. Mr. President, I support the amendment offered by Senator DOMENICI to the amendment offered by Senator ROCKEFELLER on disability compensation for veterans with smoking-related disabilities. It seems to me reasonable to ask for more deliberate review of this issue. After all, President Clinton has twice proposed not to allow post-service smoking related illnesses to be eligible for VA disability compensation. Once the question has been thoroughly reviewed, we can then reconsider the matter.

This Domenici amendment would ask the General Accounting Office, the Office of Management and Budget, and the VA to review this matter over the next year. This will allow the main agency of the Federal Government to come to bear on this question. And, when the assessment is finished, we will have greater confidence that we are doing the right thing.

With respect to the main Rockefeller amendment, we have to keep several things in mind. This would be an expensive program. According to the Congressional Budget Office, we are talking about around $10 billion over five years. It is also not clear that it is fair to all veterans other veterans who have service-connected disabilities which are clearly service-connected or low income veterans who have problems clearly related to military service that have led, or would lead, to receipt of disability compensation.

Furthermore, it is certainly possible that major inequities could result were the underlying amendment enacted. By this I mean that veterans who started smoking after military service could conceivably be eligible for disability compensation under terms of this amendment. Keep in mind also, that veterans who suffer from tobacco-related health problems can still qualify for health care services from the VA if they met the regular qualifying criteria.

The PRESIDING OFFICER. Does the Senator yield the remainder of his time?

Mr. ROCKEFELLER. I do.

Mr. DOMENICI. I ask for the yeas and nays on the Domenici amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second?

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from New Mexico. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from North Carolina (Mr. Helms), is necessarily absent.

I further announce that, if present and voting the Senator from North Carolina (Mr. Helms), would vote yea.

Mr. FORD. I announce that the Senator from Hawaii (Mr. Inouye), is necessarily absent.

Mr. DOMENICI. I move to reconsider the vote.

The result was announced—yeas 52, nays 46, as follows:

[Rollcall Vote No. 76 Leg.]

YEAS—52

Abraham Prien
Ashcroft Gorton
Baucus Gramm
Bennett Grassley
Bond Greg
Braun Hagedorn
Brownback Hatch
Burns Hutchinson
Byrd Hutchinson
Chafee Inhofe
Coates Kempthorne
Cochran Kerrey
Craig Kerry
D'Amato Kohl
Daschle Kyle
DeWine Landrieu
Dodd Lautenberg
Domenici Leahy
Dorgan Levin
Durbin Lieberman
Enzi Lott
NOT VOTING—2

Helms Inouye

The amendment (No. 2283) was agreed to.

AMENDMENT NO. 2226, AS AMENDED

The PRESIDING OFFICER. The motion to lay on the table was agreed to.
amendment as amended by the Domenici substitute. The yeas and nays have been ordered.

Mr. DOMENICI. I ask the yeas and nays be vitated.

THE PRESIDING OFFICER. Is there objection?

The yeas and nays are vitated.

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

The amendment (No. 2222), as amended, was agreed to.

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

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, for the benefit of the Senators, and this has been agreed to by the ranking member, we will now start the 1-minute “vote-arama.” From the list we will call up an amendment and it will be our pleasure to call it up. When it is finished, we will call up another one. We will alternate back and forth.

We are getting it down to a reasonable number on our side. We are hoping the other side will get rid of three or four more there, but we are going to start this way.

The first amendment on our side is the amendment of Senator Grams, No. 2222, and that will be followed by Senator Kennedy, amendment No. 2184. For each one, they will tell you the title and then the Senator will have 1 minute to explain it.

Amendment No. 2222 by Senator Grams is called up.

AMENDMENT NO. 2222

The PRESIDING OFFICER. Amendment No. 2222 is before the Senate. One minute on each side. Senator Grams is recognized for 1 minute.

Mr. GRAMS. Mr. President, I rise to introduce an amendment expressing the sense of the Senate that projected budget surpluses should be dedicated to preserving and strengthening Social Security. This is a very simple and straightforward amendment. It asks Congress and the President to commit any budget surplus to reducing the Social Security payroll tax and use the tax reduction to set up personal retirement accounts for America’s working men and women.

Mr. President, the latest report from the Treasury Department shows that we may have a budget surplus as large as $60 to $80 billion this year, if revenues continue to grow at the current rate. As I have argued repeatedly, this surplus comes directly from taxes paid by hard-working Americans, and it is only fair to return it to them in the form of tax relief, national debt reduction, or Social Security reform.

We all agree it is vitally important to save and strengthen Social Security. Many of my colleagues believe we should use the entire budget surplus to save the system, but the real question is how to do it.

Finally, this amendment is complementary to Senator Roth’s amendment. I believe the Roth amendment is an excellent one. I support it. The only difference is mine has the payroll tax reduction.

The PRESIDING OFFICER. The time of the Senator has expired. The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, I rise to oppose the Grams amendment. As he clearly says, the budget surplus should be used to, perhaps, establish personal savings accounts. At the same time I heard the Senator say we all want to save Social Security. If we want to save it, then we ought to pay down the debt, shore up Social Security, and not turn over to the private sector the opportunity now to engage in individual savings accounts. This is not the place to do it. Perhaps it ought to be considered 1 day, but this would completely upset the principle of saving Social Security first. If we are going to talk about it, then we ought to really mean it and put all surpluses into saving Social Security and reducing the debt. I think that is the proper way to go, and I hope all my colleagues vote against this amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment. Are the yeas and nays ordered?

Mr. GRAMS. Mr. President, I ask for a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The amendment (No. 2222) was agreed to.

Mr. FORD. I announce that the Senator from Hawaii (Mr. INOUYE) is necessary absent.

I further announce that, if present and voting, the Senator from North Carolina (Mr. HELMS) would vote “yea.”

Mr. FORD. I announce that the Senator from Hawaii (Mr. INOUYE) is necessary absent.

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

The result was announced, yeas 50, nays 48, as follows:

[Roll Call Vote No. 77 Leg.]

YEAS—50

Abraham
Aliard
Allard
Ashcroft
Bennett
Brownback
Burns
Campbell
Cleland
Coats
Cooper
Craig
D’Amato
DeWein
Demint
Donnelly
Faircloth

NAYS—48

Akaka
Baucus
Biden
Boxer
Brown
Bryan
Bumpers
Byrd
Chafee
Collins
Conrad
Dodd
Dorgan

Roth
Reid
Robb
Rockefeller
Sarbinas
Sasser
Kohl
Torricelli

Thune
Wyden

Leahy
Levin
Lieberman
Milbank
Moseley-Braun
Reed
Reid
Robb
Rockefeller
Sarbinas
Sasser
Kohl
Torricelli

Thune
Wyden

[NOT VOTING—2]

Helms
Inouye

The amendment (No. 2222) was agreed to.

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

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The bill is open for amendment.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

AMENDMENT NO. 2184

Mr. KENNEDY. Mr. President, I believe one of my amendments on the educational opportunity zones is before the Senate. Am I correct?

The PRESIDING OFFICER. Is the Senator talking about amendment No. 2184?

Mr. KENNEDY. Yes.

The PRESIDING OFFICER. The Senator has 1 minute.

Mr. KENNEDY. Mr. President, this is the last item of President Clinton’s education proposal. It basically provides help and assistance to communities for these educational opportunity grants for those communities in the country, both in rural and urban areas, that are showing a special kind of designation in reforming and rehabilitating their total educational package.

This is one of the areas that has been recommended by most of the educational groups. It has been tried and tested in the past year and a half with very small, modest programs, with very substantial improvement in academic achievement and accomplishment.

It does provide $1.5 billion over 5 years, and it is paid for with an across-the-board cut in nondemotion by less than two-tenths of 1 percent of the budget program. I hope the Senate will adopt the amendment.

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

Mr. GRASSLEY addressed the Chair.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, we have kept our word and we have increased education spending by exactly what the President and the Congress decided to do last year in the Balanced Budget Act.
We provide an additional $8 billion in additional discretionary education funding over the next 5 years. In total, we will provide close to $20 billion in K–12 education funding this year. That is a 98 percent increase over the last 10 years.

We agree with the President on the funding. However, we disagree with the President on how to spend the money, because the President and his party want to make Washington, DC, education central. Republicans want to decentralize education decision making and put power and resources into the hands of the States, the localities, and the families. We should oppose the amendment. I move to table the amendment.

Mr. CRAIG. I ask for the yeas and nays.

The PRESIDING OFFICER. The yeas and nays have been requested. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to lay on the table amendment No. 2184. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from North Carolina (Mr. HELMS) is necessarily absent.

I further announce that, if present and voting, the Senator from North Carolina (Mr. HELMS) would vote "yea."

Mr. FORD. I announce that the Senator from Hawaii (Mr. INOUYE) is necessarily absent.

The PRESIDING OFFICER (Mr. BURBANK). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 54, nays 44, as follows:

The result was announced—yeas 54, nays 44, as follows:

(Rollcall Vote No. 78 Leg.)

YEAS—54

Reid

Robb

Rockefeller

Sarbanes

Specter

Terrill

Welstone

Wyden

Helms

Inouye

NOT VOTING—2

Mr. COOPER. The motion to lay on the table the amendment (No. 2184) was agreed to.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. ROBB. Mr. President, on amendment 2184, believing it was an up-or-down vote, I voted in the affirmative. It was a tabling motion. Therefore, I inadvertently voted against my intentions. I ask unanimous consent that my vote be switched and that I be recorded as having voted in the negative. It would not affect the outcome of the vote.

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

(The foregoing tally has been changed to reflect the above order.)

The PRESIDING OFFICER (Mr. GREGG). Who seeks time on the next amendment? What is the will of the Senate?

Mr. DOMENICI. Mr. President, I understand that we are calling them up now. The Coverdell amendment is the next amendment we would like to call up on our side.

Mr. COVERDELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia has 1 minute.

AMENDMENT NO. 2262

Mr. COVERDELL. Mr. President, amendment No. 2262, parallels the House-passed resolution passed unani mously this week that Congress set aside money for Black Hawks—$36 million. In last year's foreign operations spending bill the President signed this provision into law. But the money has not been spent. Black Hawks will work better than any alternative in eradicating the poppyeed that grows in Colombia. This poppy is used for heroin, which is becoming increasingly a problem in American cities.

We have a choice. We can either fight heroin at the source, or we can treat the victims in our own neighborhoods. You do not win a war treating the wounded. Let us get serious in this drug war and pass the amendment.

I attempted to come to a resolution with the good Senator from Vermont, but we could not reach agreement. Therefore, we will have to vote on the amendment.

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

Who seeks time in opposition? Time in opposition is running. Unless someone seeks time.

Mr. LEAHY addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I am somewhat surprised by this because I understood I had an agreement with the Senator from Georgia. I understand now he does not want to follow through with that agreement. I have already told our side that we would not request a rollcall. I will stick to my agreement. We will not request one.

But I simply say there was a better way that would not have taken the money away from Bolivia fighting drugs. But we will just take this matter up when we get to conference. I will keep to my commitment to the leaders not to ask for a rollcall.

The PRESIDING OFFICER. The question occurs on agreeing to the amendment No. 2262.

The amendment (No. 2262) was agreed to.

Mr. DOMENICI. Mr. President, I report to the Senate, on the Republican side we have one amendment left, Senator NICKLES; on the Democratic side right I hope you can reduce that number some so we can get out of here earlier than any of us expected.

AMENDMENT NO. 2185, WITHDRAWN

Mr. DOMENICI. The next amendment to come up is Kennedy amendment No. 2185 regarding the EEOC.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized for 1 minute.

AMENDMENT NO. 2185

Mr. KENNEDY. Mr. President, the equal employment amendment calls for a 15% increase in the budget for the Equal Employment Opportunity Commission for the coming year. Under this amendment the EEOC's budget will increase from $242 million to $279 million next year.

One of the most basic civil rights protected by current law is the right to equal opportunity in employment, your race, your sex, your age, your ethnic background, your religion, or any disability you may have. This country has made significant progress against job discrimination because of your race, your sex, your age, your ethnic background, your religion, or any disability you may have. This country has made significant progress against job discrimination because of your race, your sex, your age, your ethnic background, your religion, or any disability you may have. This country has made significant progress against job discrimination because of your race, your sex, your age, your ethnic background, your religion, or any disability you may have. This country has made significant progress against job discrimination because of your race, your sex, your age, your ethnic background, your religion, or any disability you may have. This country has made significant progress against job discrimination because of your race, your sex, your age, your ethnic background, your religion, or any disability you may have. This country has made significant progress against job discrimination because of your race, your sex, your age, your ethnic background, your religion, or any disability you may have. This country has made significant progress against job discrimination because of your race, your sex, your age, your ethnic background, your religion, or any disability you may have. This country has made significant progress against job discrimination because of your race, your sex, your age, your ethnic background, your religion, or any disability you may have. This country has made significant progress against job discrimination because of your race, your sex, your age, your ethnic background, your religion, or any disability you may have. This country has made significant progress against job discrimination because of your race, your sex, your age, your ethnic background, your religion, or any disability you may have. This country has made significant progress against job discrimination because of your race, your sex, your age, your ethnic background, your religion, or any disability you may have. This country has made significant progress against job discrimination because of your race, your sex, your age, your ethnic background, your religion, or any disability you may have. This country has made significant progress against job discrimination because of your race, your sex, your age, your ethnic background, your religion, or any disable...
Mr. KENNEDY. To get the amount.

Mr. DOMENICI. Next is Senator Reid on amendment No. 2188.

The PRESIDING OFFICER. The amendment (No. 2188) was withdrawn.

Mr. WELLSTONE. Thank you, colleagues.

The veterans’ health care—some background—is funded by two sources: appropriations and a supplemental fund called the MCCR. The President’s budget cut veterans’ health care appropriations by $29 million, and the estimate is that the MCCR fund will generate $10 million less—a conservative estimate; CBO says much more than that.

This sense-of-the-Senate amendment simply puts that $40 million back. It makes the budget whole, takes it to last year’s level. I hope there will be a strong vote for this. This is a vote to restore the funding and to make the veterans’ health care system whole, at least as good as it was last year. We are doing veterans’ health care, and I hope I get an overwhelmingly positive vote on this.

Mr. DOMENICI. Mr. President, Senator Wellstone, if you will look at the amendment I offered previously, it assumes the landowner incentive program includes habitat reserve agreements, safe harbor agreements, habitat conservation plans, and recovery plan implementation agreements within the Act. The report accompanying the budget resolution calls for funding for these programs to be made available “from the gross receipts realized in the sales of excess BLM land, provided that BLM has sufficient administrative funds to conduct such sales.”

Mr. President, this proposal is a short-sighted attempt to find a solution to a very legitimate issue. I support efforts to find a sustainable funding mechanism to provide incentives to landowners to undertake conservation measures that are necessary for the protection and recovery of threatened and endangered species. The problem with the proposal before us today is that it fails to establish a reliable source of funding. Sales of BLM lands cannot be expected to provide a revenue source for habitat conservation plans and other landowner incentive programs that are designed to last for 50 years or longer. This proposal is a classic example of selling a capital asset to pay for operation and maintenance costs. In my opinion, it represents the utmost in fiscal irresponsibility.

In addition, this proposal would set a dangerous precedent regarding the management of our public lands by threatening the public land base available to future generations of Americans. Currently, the land disposal...
method favored the BLM involves land exchanges. This process allows the BLM to dispose of land it no longer needs in exchange for land that is worthy of public ownership. The land exchange process allows the BLM to trade land at no net revenue loss, desirable for one that does. Ironically, the BLM often uses land exchanges as a means of acquiring critical habitat for threatened and endangered species. By disrupting the land exchange process, the legislation in this amendment could actually weaken the federal government’s ability to acquire private, environmentally sensitive land that rightfully belongs in public ownership.

Mr. President, I am also concerned with this proposal because it would effectively eviscerate another piece of legislation that I have sponsored concerning the BLM land disposal process in Southern Nevada. It is no secret that the public lands that this budget resolution contemplates being sold are those BLM lands in the Las Vegas Valley. I have worked closely with Senator Reid and our House delegation for the last three years to develop the Southern Nevada Public Land Management Act, which provides local governments in southern Nevada with more input into the BLM land exchange and land sale process. Over the last several years, BLM land exchanges have contributed significantly to growth and development in the Las Vegas Valley. My legislation would allow local governments and the BLM to work more closely together in managing growth in the valley. The land sale proposal in this budget resolution would destroy the ability of the Las Vegas community to have a voice in the BLM land sale process as envisioned under my legislation.

I strongly urge my colleagues to support the Reid/Bryan amendment and to reject the irresponsible sell off of our public lands as contained in this budget resolution.

Mr. DOMENICI. I yield the minute we have to Senator CHAFEE.

Mr. CHAFEE. I will take 30 seconds, and the Senator from Nevada will take 30 seconds.

More than half of all the endangered species in the United States are in private lands. In the Endangered Species Reauthorization Act, we put in money, we provide for assistance to private landowners, most of them small landowners. We do that.

The chairman of the Budget Committee provided that if any BLM lands are sold—if they are sold, those money, instead of going into the general treasury, will be used for the Endangered Species Act to help landowners, mostly small landowners.

AMENDMENT NO. 2285 TO AMENDMENT NO. 2206

(Purpose: To recognize potential alternative funding sources for landowner incentives under the Endangered Species Recovery Act)

Mr. KEMPThORNE. I send to the desk a second-degree amendment and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Idaho (Mr. KEMPThORNE) proposes an amendment numbered 2285 to amendment No. 2206.

Mr. KEMPThORNE. I ask unanimous consent that the reading of the amendment be dispensed with.

The motion to lay the table was agreed to.

The amendment (No. 2285) was agreed to.

The amendment (No. 2257) was agreed to.

Mr. KEMPThORNE. Mr. President, I move to reconsider the vote and to lay that motion on the table.

The motion to lay on the table was agreed to.

The amendment (No. 2206) was agreed to.

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

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

The motion to lay on the table was agreed to.

Mr. NICKLES. I announce that the Senator from North Carolina (Mr. HELMS) is necessarily absent.

Mr. FORD. I announce that, if present and voting, the Senator from North Carolina (Mr. HELMS) would vote "yea."

Mr. FORD. I announce that the Senator from Hawaii (Mr. INOUYE) is necessarily absent.

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

The result was announced—yeas 55, nays 43, as follows:

[Rollcall Vote No. 79 Leg.]

YEAS—55

Abraham
Allard
Bennett
Bingaman
Brownback
Burns
Cannon
Chafee
Cleland
Cochran
Collins
Corzine
Craig
D'Amato
DeWine
Domenici
McCain

NAYS—43

Akaka
Baucus
Biden
Boxer
Breaux
Byrd
Conrad
Daschle
Dodd
Dorgan
Durbin
Feingold
Feinstein

NOT VOTING—2

Helms
Inouye

The amendment (No. 2285) was agreed to.

Mr. KEMPThORNE. Mr. President, I move to reconsider the vote and to lay that motion on the table.

The motion to lay on the table was agreed to.

The amendment (No. 2206) was agreed to.

The amendment (No. 2257) was agreed to.

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

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

The motion to lay on the table was agreed to.

The amendment (No. 2206) was agreed to.

The amendment (No. 2257) was agreed to.

Mr. DOMENICI. Mr. President, the next amendment will be one from our side. It is our last amendment, which Senator NICKLES has. It is No. 2257.

Mr. NICKLES addressed the Chair. The PRESIDING OFFICER. The Senator from Oklahoma is recognized.
Mr. NICKLES. Mr. President, this is an amendment offered by myself and Senator Murkowski. The net effect of it would be that if we are dealing with the budget process and the so-called wish list amendments, the sense of the Senate and sense of Congress would basically be ruled out of order. My amendment would instruct the Chair to make precatory amendments not germane to the budget resolution. That means you would need 60 votes to pass it. At one point, we had 100 amendments and over two-thirds of them were precatory amendments; they were wishes. The word precatory means to wish. That doesn’t change the budget resolution, and it wastes a lot of time. It means that, yes, we have some kind of stalling back and forth. I don’t know how many votes we have had in the last couple of days, two-thirds of them have been sense of the Senate or sense of the Congress. And, really, they will have very little impact on the budget process. I think they have made the Senate a little bit in the process. I urge my colleagues to support the amendment. I am not going to request the yeas and nays unless it is necessary. I think this would help us do our business in a much more orderly and efficient manner.

Mr. LAUTENBERG addressed the Chair.

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

Mr. LAUTENBERG. Mr. President, I recognize the fact that the distinguished Senator from Oklahoma has sent up a sense-of-the-Senate resolution to prohibit sense-of-the-Senate resolutions. This amendment would prohibit those sense-of-the-Senate resolutions.

Mr. NICKLES. If the Senate will yield, this is a concurrent resolution.

Mr. LAUTENBERG. Then I owe the Senator an apology. I will start all over again. Let me point out to the fact that he has sent a sense-of-the-Senate resolution to the desk.

This amendment, however, Mr. President, would prohibit any Member of the Senate from offering a sense of the Senate or sense of the Congress amendment to a budget resolution. The budget resolution already places serious restrictions on minority participation. This is how we get there. When you are on this side next year, you will know how it feels to be in the minority and you will have an opportunity to amend things that you don’t see.

I, frankly, don’t see a lot of harm in it. It takes time, yes, but it gives a chance for an exchange of ideas that I think is important.

I make a point of order that the amendment is not germane.

Mr. NICKLES. Mr. President, I move to waive the point of order, and I tell my colleague that you can still pass sense-of-the-Congress resolutions with 60 votes.

The PRESIDING OFFICER. The question is on the motion to waive the point of order.

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

Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The clerk will call the roll.

Mr. NICKLES: I announce that the Senator from North Carolina (Mr. HELMS) is necessarily absent.

I further announce that if present and voting the Senator from North Carolina (Mr. HELMS) would vote “yea.”

Mr. FORD: I announce that the Senator from Hawaii (Mr. INOUYE) is necessarily absent.

The PRESIDING OFFICER. Are there any Senators wishing to vote or to change their vote?

The clerk will report.

Mr. FORD. Mr. President, how am I recorded?

The PRESIDING OFFICER. The Senator from Kentucky is reported as a negative. The clerk will report.

Mr. DASCHLE. Mr. President, how am I recorded?

The PRESIDING OFFICER. The Senator from South Dakota is reported as negative.

Mr. COVERDELL. Regular order.

Mr. DURBIN addressed the Chair.

The PRESIDING OFFICER. The yeas are 60—

Mr. FORD. Mr. President. You can’t do that there, come on.

The PRESIDING OFFICER. The yeas are 60 and the nays are 38.

Mr. DURBIN. Mr. President, how am I recorded?

Mr. SARBANES. No, no, no, no, no.

Mr. DURBIN addressed the Chair.

Mr. SARBANES. Not when someone is seeking recognition here.

The PRESIDING OFFICER. The Chair is ruling the reporting of the vote can occur and the yeas are 60—

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

The PRESIDING OFFICER. And the nays are 38.

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

The PRESIDING OFFICER. Is there objection?

Mr. SARBANES. I object.

Mr. NICKLES. Mr. President, I will renew my request. I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. NICKLES. Mr. President, I ask unanimous consent that Senator DURBIN be recognized to switch his vote.

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

VOTE CHANGE

Mr. DURBIN. Mr. President, no. I ask unanimous consent that my vote be changed to no.

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

Mr. LOTT. Are we waiting for the vote to be turned in?

The PRESIDING OFFICER. We are waiting for the vote to be reported.

Mr. LOTT. I thank the Chair.

The PRESIDING OFFICER. On this vote, the yeas are 59, the nays are 39, and the motion to waive is not sustained.

The yeas and nays resulted—yeas 59, nays 39, as follows:

[Roll Call Vote No. 80 Leg.]

YEAS—59

Abraham
Allard
Baucus
Baucus
Brownback
Burns
Byrd
Campbell
Chafee
Chafee
Chafee
Chafee
Coates
Cochrane
Collins
Coverdell
Craig
D’Amato
DeWine
Domenici

dll

Mr. DASCHLE: Mr. President, I ask unanimous consent that this amendment be reported as agreed to.

Mr. NICKLES: I announce that the bill clerk called the roll.

The bill clerk called the roll.

The PRESIDING OFFICER. Is there a sufficient second?

Mr. FORD. Mr. President, how am I recorded?

The PRESIDING OFFICER. The yeas are 59, the nays are 39, and the motion to waive is not sustained.

The yeas and nays resulted—yeas 59, nays 39, as follows:

[Roll Call Vote No. 80 Leg.]

NAYS—39

Akaka
Baucus
Biden
Baucus
Boxer
Bryan
Bumpers
Conrad
Daschle
Dodd
Dorgan
Domenici
Dodd
Feingold
Dorgan
Dodd
D’Amato
Collins
Cochran
Coverdell
Craig
D’Amato
DeWine
Domenici

Mr. NICKLES. Mr. President, I move to reconsider the vote by which the motion was rejected.

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

The motion to lay on the table was agreed to.

Mr. LOTT. Mr. President, I thank Senator NICKLES for the magnanimous gesture he just made. However, I want to emphasize we are trying to move through these votes, and the Chair was absolutely right, because it is up to the discretion of the Chair to respond when Members ask how they are recorded, but also when regular order is called for, especially when we are trying to move through all these votes, the Chair is under an obligation to bring this to a conclusion.

I think we had the right resolution here, but I want to make sure everybody understands, we are trying to move these votes through. We are trying to get to a conclusion, and that brings me to my next point.

It is 5 after 9. We still have, it looks like, as many as five amendments that
we may have to vote on. I urge Senators, if they are planning on calling up those amendments, to see if we can’t work out something where maybe some of them can be accepted or not offered and that we not go through the process of having high degree amendments offered at this point.

If we can do that, we can finish this within this hour, by 10 o’clock. I thank Senator Reed and others for the work they have been doing in trying to help pare down the list. We are very close now, and it appears we will not lose the decorum we have exercised through a long day. I thank my colleagues for that.

Mr. DASCHLE addressed the Chair.

The PRESIDING OFFICER. The Democratic leader.

Mr. DASCHLE. Mr. President, I also want to acknowledge the efforts made by the distinguished Senator from Oklahoma, Senator Nickles, in resolving this item. I appreciate the very much his efforts to do what he did. I will say, however, that we have been working in good faith on both sides to try to move this along. Regular order is called, but also Senators deserve the right to be recognized when they take action or purposes of clarification of their vote, so there is a need to be sensitive on both sides in a request of the Chair. I know that the Chair was accommodating or attempting to accommodate Senators.

I ask the majority leader in asking the five remaining authors to work with us to see if we might reduce the number of rolcalles necessary. We are very close now, and I thank my colleagues on this side for cooperating thus far. Let’s see if we can get it down to a couple, fewer than what we have right now. We can finish this within the hour, and I hope we can receive just a little more cooperation to make that happen. I yield the floor.

The PRESIDING OFFICER. The point of order is sustained. The amendment falls.

Mrs. MURRAY addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington.

AMENDMENT NO. 2216

Mrs. MURRAY. Mr. President, I call up amendment No. 2216.

The PRESIDING OFFICER. Amendment No. 2216 is the pending amendment. The Senator from Washington is recognized for 1 minute.

Mrs. MURRAY. Thank you, Mr. President.

Mr. President, my amendment increases Function 500 budget authority and outlays to include the President’s education initiatives and adds the Resolution level for IDEA. The offset is a Function 920 across-the-board reduction of less than one percent, taken from non-defense discretionary funds.

The President’s budget request only included a level of $335 million for the Individuals with Disabilities in Education Act (I.D.E.A.). To get the Federal Government back on track toward its responsibility to cover 40 percent of the cost of educating special education students at the local level, significant increases are necessary.

The Resolution level in fiscal year 99 for Function 500 is $500 million below a freeze. It does not provide enough funding for the President’s new initiatives requested by the President and supported by the American public: Continuing investments in education technology, including teacher training reflecting my Teacher Technology Training Act; an increased level of $300 million for the President’s new initiatives (such as educational empowerment zones; appropriations for Minority Teacher Recruitment; funding for the 21st Century Learning Centers; appropriations for Children’s Literacy and Work Study; increases for Title I funding; funding in the reauthorization Title IV-A of the Elementary and Secondary Education Act and Title I and, imum Pell Grant; and increased funding for Safe and Drug-Free Schools.

My amendment makes education a higher priority within the construct of a balanced budget. I must point out that even with my amendment, the President and the Budget Committee have left other critical educational services unfunded. By passing this amendment, we will take steps to stop the cuts to education, and get on the road toward results for American students.

Mr. President, the American people believe education should be a higher priority than its current 1.3 percent of total Federal outlays. They see the need to improve the quality of every Federal education program, minimize red tape, improve efficiency, and create collaboration. But, they also see our Nation facing increased enrollments, a teacher corps nearing retirement, and other factors which increase the overall need for education funding at this critical point in our history. The American people see that education must become a higher priority in our national budget.

Unfortunately, this budget fails to meet the education needs of America. It does not invest in the future. It cuts from services that are helping students in schools today. This budget resolution places America at a crossroads—and it takes us down the wrong road. A vote for the MURRAY amendment is a vote that honors our commitment to fund 40 percent of the cost of special education funding, but doesn’t try to pit students against one another over limited federal dollars. We need to invest in the future, and we need a budget that reflects America’s priorities.

Mr. President, when looking at the budget resolution, we have more money to spend, not less. Hold-harmless provisions were discussed, which would purportedly assure that school districts would not see funding cuts.

But we have all heard this kind of talk before, from those who start by “consolidating,” and then take the next step to “downsizing.” Too often a block-grant equals a cut, and our school communities know it.

We were told that the fundamental philosophical question was whether or not we believed that the majority of American people were left out when the majority ignored the President’s new initiatives?

The only education programs explicitly left unfunded by the discretionary Republican budget resolution are the President’s new initiatives (such as educational empowerment zones; teacher technology training; the new transition to school program; community-based technology centers; and Safe and Drug-Free Schools coordinators). These programs total $2.4 billion.

When added to the $7.3 billion in mandatory spending for class size reduction, the total President’s request level for new sub-function 501 funds is $9.7 billion over a freeze.

Because the Republicans assume $2.2 billion in consolidation, we need to ask another question: Which current programs will be cut under their $2.2 billion consolidation proposal?

This list could include any discretionary elementary and secondary education program, such as:

- Title I Education for the Disadvantaged (including reading and math assistance for needy students; Even Start; Migrant Education; services for neglected and delinquent students; and others)
- America Reads Children’s Literacy Eisenhower Professional Development
- Safe and Drug Free Schools and Communities
- Magnet Schools
- Education for Homeless Children and Youth
- Inexpensive Book Distribution
- Bilingual Education Goals 2000/CER
- Arts in Education
- Women’s Educational Equity Program
- School-to-Work
- Vocational Education

The American people will remember that last year, during debates on consolidation and block granting, proponents of block-granting federal education funds proclaimed that by eliminating bureaucracy under block-granting, school districts would actually have more money to spend, not less. Hold-harmless provisions were discussed, which would purportedly assure that school districts would not see funding cuts.

But we have all heard this kind of talk before, from those who start by “consolidating,” and then take the next step to “downsizing.” Too often a block-grant equals a cut, and our school communities know it.

We were told that the fundamental philosophical question was whether or not we believed that the majority of American people were left out when the majority ignored the President’s new initiatives?

From this amount, the majority then assumes that $2.2 billion will be saved through consolidation of current educational services, leaving their overall add to a freeze at $6.6 billion.

Mr. President, another important question is this: Which important priorities of the American people were left out when the majority ignored the President’s new initiatives?
believed those fundamental decisions are best left to bureaucrats in Washington, D.C. I think the fundamental question is rather when certain people in positions of authority in Washington D.C. are going to listen to their state and local governments and the people. This is a time of incredible renewal in education. Republicans, Democrats and Independents in my state of Washington and other states are on a serious, measurable road to school improvement.

From school report cards, to higher standards, to increased family and community involvement—improvement is happening; accountability is present, and students and their parents are seeing results. At a minimum, there is a fundamental discussion about educational improvement going on in every community in my state. When federal consolidation is tied to questions of “who knows best,” I think those of us who have experience in our schools, teachers, students, and community leaders like those in my state have reasons to feel betrayed.

Because money does matter. Yes, we need to consolidate services where it has an efficient goal. Yes, the federal government works best when it creates red tape least—but Americans interested in improving education already have venues to make these changes. And these discussions—such as the one that will occur during the 1999 rewrite of federal elementary and secondary education programs—respect the knowledge and experience of those who actually learn with or work with federal education services.

But when the Congress ignores needed investments to improve school facilities and improve the quality of school personnel—then uses block grants as cover for education cuts—local communities have reason to feel betrayed.

So, my hope is that those who want to improve the federal government’s efforts to help students learn, and who see consolidation as a vehicle toward this end, will work with local school communities. My hope is that they will work with those of us who have experience in education. My hope is that we can work together to find results for students.

Because when the Congressional majority begins to pay attention to the appropriate role in school improvement, that is a positive step. Now that the discussion is joined, however, it must be productive, bipartisan, and aimed at efforts that will work.

When we look at this budget resolution, we also need to ask “what do the assumptions in the President’s budget request leave out?”

The President’s budget request assumes less than sufficient funding (less than current-services funding, or complete funding for, among others):

Impact Aid (Construction and payments for Federal Property)
State Student Incentive Grant
Innovative Education Program Strategies
Ellender Fellowships
Literacy Programs for Prisoners
Urban Community Service
National Early Intervention Scholarships and Partnerships
State Grants for Incarcerated Youth Offenders

In addition, the President’s budget includes only $35 million for funding the Individuals with Disabilities in Education Act over a freeze annually. My amendment would meet the $500 million increase per year in Sen. DOMENICI’s Committee reported resolution ($465 million over the President’s level). For too long, the Congress has not met its obligation to pay 40 percent of the costs of educating each special education student.

Education, especially public education, is near and dear to the American people. Although the challenges are great, there are productive discussions happening in public schools across the country. Local people are making decisions that are producing results for students. We know we need to expect much more from our schools than folks did in the past. We know we have an economy and a society full of new demands. Regardless of political persuasion, ethnicity, income, age, or any other dividing line one might find—all Americans want students to succeed. And there is broad recognition that we should do more, not less. More to improve the quality of our schools. And more to make education a higher priority in the federal budget. I urge adoption of the Murray amendment.

Mr. President, I ask unanimous consent that several letters regarding education funding be printed in the RECORD.

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

AMERICAN FEDERATION OF TEACHERS
April 1, 1998

DEAR SENATOR: On behalf of over 560,000 members of the American Federation of Teachers (AFT), I urge you to oppose the FY 1999 Concurrent Resolution on the Budget, S. Con. Res. 86, unless changes are incorporated to rectify the following shortfalls:

Although the budget resolution assumes a $2.5 billion increase for IDEA over five years, a $500 million increase in FY 1999, total discretionary spending in Function 500 reflects only a $500 million increase over FY 1998. This level is $1.6 billion below the President’s budget and $1.1 billion below the amount needed to maintain current program levels in education, job training, and social services.

This budget resolution should include funding for the President’s initiatives in class size reduction and for school construction. The President requested $1.1 billion to hire 100,000 new teachers over the next seven years in order to reduce class size to an average of 18 in grades 1-3, when children need the most help in learning to read plus math basics. The AFT also supports the President’s proposal for more than $2 billion in interest-free bonds for school construction. An estimated $3 billion in needed repairs and new academic facilities are needed to serve the booming enrollments in elementary and secondary schools. Instead, the budget resolution assumes a $3.6 billion increase, $322 million in FY 1999, for Title VI Innovative Education Programs, an education block grant program, while assuming an estimated $2.2 billion in savings from unspecified consolidation of elementary and secondary education programs.

In addition, the AFT opposes savings assumed in discretionary spending resulting from repealing Davis-Bacon and the Service Contract Act beginning in the year 2000. The AFT also opposes the citing of S. 1133, The “Parent and Student Savings Account Plus,” as an illustration of tax relief, which would expand the use of Education IRAs to include private and religious schools for elementary and secondary students.

For these reasons, I urge you to oppose S. Con. Res. 86 unless amendments are adopted to address these concerns.

Sincerely,
GERALD D. MORRIS,
Director of Legislation.

NAPSEC
March 25, 1998

Hon. PATTY MURRAY,
U.S. Senate, Washington, DC.

DEAR SENATOR MURRAY: On behalf of the National Association of Private Schools for Exceptional Children (NAPSEC), an association that represents over 900 private special education schools for children with disabilities across the nation and through its Council of Affiliated State Associations, I urge you to oppose the FY 99 Budget Resolution when it is considered by the Senate.

Although the resolution adds a billion dollars for special education programs and Title VI innovative education strategies programs, the resolution provides only 1% billion more for all education and related programs. The resolution would fund education programs at $1.1 billion below current services levels. Programs like Head Start, Title I, Pell Grants, and other education programs would have to be cut or frozen to make up the difference.

This action appears totally inappropriate considering the new challenges facing America’s education system—rising enrollments at all levels, more students with special needs, growing teacher shortages, unsafe, overcrowding, and decaying schools, just to name a few.

Reports have ranked increasing federal funding for education ahead of health care, reducing national debt, tax cuts, crime, and defense. I urge you to represent this priority by supporting a bipartisan budget resolution that makes increased investments in education. I also ask you to support the amendments that are offered that would increase funding for education.

Thank you for considering our request.

Sincerely,
SHERRY L. KOLBE,
Executive Director & CEO.

NSBA
March 25, 1998

Hon. PATTY MURRAY,
U.S. Senate, Washington, DC.

DEAR SENATOR MURRAY: The National School Boards Association, representing 95,000 school board members through its federation of 53 states and territories, urges you to make education your first priority and to oppose the FY 1999 Budget Resolution reported from the Senate Budget Committee last week because of its inadequate levels of funding for education.

This budget resolution Committee’s resolution is more than $1 billion below current services for discretionary spending in Function 500,
which includes education and related pro-
grams and is $1.6 billion below the Presi-
dent's request. While recommending a billion
dollars more for special education and the
Title VI innovative education strategies pro-
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years that are $20 billion and $30 billion higher, respectively,
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In contrast, the FY 1999 Budget Resolution
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The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second. The yeas and nays were ordered. The PRESIDING OFFICER. The question is on agreeing to the motion to lay on the table the amendment No. 2216. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES: I announce that the Senator from New Mexico.

Mr. DOMENICI addressed the Chair.

The bill clerk called the roll.

Mr. FEINGOLD. Mr. President, I move to waive the Budget Act as to the pending amendment, and ask for the yeas and nays. The PRESIDING OFFICER. Is there a sufficient second? Is there a sufficient second?

The yeas and nays were ordered. The PRESIDING OFFICER. The question is on agreeing to waive the Budget Act as to the amendment No. 2224. The yeas and nays have been ordered. The clerk will call the roll.

The bill clerk called the roll.

Mr. NICKLES: I announce that the Senator from New Mexico (Mr. HELMS), would vote "yea."

Mr. FORD: I announce that the Senator from Hawaii (Mr. INOUYE), is necessarily absent.

The result was announced—yeas 55, nays 43, as follows:

[ Rolcall Vote No. 81 Leg. ]

YEAS—55

Abraham
Allard
Ashcroft
Bennett
Bond
Brownback
Burns
Byrd
Campbell
Chafee
Coats
Cooper
Collins
Coverdell
Craig
D’Amato
DeWine
Domenici
Emi

NAYS—43

Akaka
Baucus
Biden
Bingaman
Boxer
Breaux
Bryan
Bumpers
Cleland
Conrad
Daschle
Dodd
Dorgan
Durbin
Feingold
Feinstein
Ford
Glenn
Graham
Harkin
Hollings
Johnson
Kennedy
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin

The motion to lay on the table the amendment (No. 2216) was agreed to. Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER (Mr. BENNETT). The Senator from New Mexico. Mr. DOMENICI: Mr. President, I believe the next amendment is amendment No. 2220 by Senator BIDEN.

Mr. BIDEN addressed the Chair. The PRESIDING OFFICER. The Senator from Delaware.

AY AMENDMENT NO. 2220

Mr. BIDEN. Mr. President, recognizing reality and the hour, I am going to tell you what my amendment was going to be, and then I will withdraw it. This amendment was to see that the moneys from the tobacco settlement, if any, could have been used for VA health care, as well as Medicare. But looking at that lineup, I understand the outcome, and so I withdraw the amendment.

The PRESIDING OFFICER. Without objection, the amendment is withdrawn.

The amendment (No. 2220) was withdrawn.

Mr. DOMENICI. The amendment is the Feingold amendment.

AMENDMENT NO. 2224

Mr. FEINGOLD. Mr. President, I offer this amendment to establish a narrowly focused, deficit-neutral reserve fund to help people with disabilities become employed and remain independent. While it does not specify the amendment would ensure that the budget resolution incorporates the flexibility to allow offsets for the bipartisan Work Incentives Improvement Act of 1998. This allows people with disabilities to become employed and remain independent, by providing more affordable and accessible health care.

Despite the extraordinary growth and prosperity the country is enjoying today, persons with disabilities continue to struggle independently and become fully contributing members of their communities. Of the 54 million disabled people in this country, many have the capacity to work and want to become productive citizens, but they are unable to do so because they are afraid of losing their health care.

Today, 7.5 million disabled Americans depend on public assistance. The cost to the taxpayer is 73 billion annually and will continue to increase at 6% if we can support just one percent of the these 7.5 million individuals to become successfully employed, savings in cash assistance would total $3.5 billion over the work lives of these individuals.

Senator FEINGOLD’s amendment creates a narrowly targeted reserve fund, which allows savings or revenues from various sources to be used to offset the costs associated with this proposal. This reserve fund is limited in the total amount it can spend and is permissive—it allows the Senate leadership to use savings from unrelated areas to be dedicated to support disabled people to become employed. Work is a central part of the American dream, and it is time for this Congress to support our disabled citizens in achieving that dream.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. Mr. President, first of all, the amendment violates the Budget Act. This sets up a new reserve fund to create a new entitlement for disabled people. It permits the raising of taxes in order to pay for it and in every respect it violates the Budget Act. I do not think I have to say much more.

We have denied any new reserve fund where specific revenues or resources have not been allocated. That is the case here. We think we have adequately taken care of the disabled under our budget. In many cases, we have done more than what the President has done. So with that, I make a point of order that the amendment is not in order under the Budget Act.

Mr. FEINGOLD. Mr. President, I move to waive the Budget Act as to the pending amendment, and ask for the yeas and nays.

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

There is a sufficient second.

The yeas and nays were ordered. The PRESIDING OFFICER. The question is on agreeing to waive the Budget Act as to the amendment No. 2224. The yeas and nays have been ordered. The clerk will call the roll.

The bill clerk called the roll.

Mr. NICKLES: I announce that the Senator from North Carolina (Mr. HELMS), would vote "no."

Mr. FORD: I announce that the Senator from Hawaii (Mr. INOUYE), is necessarily absent.

The yeas and nays resulted—yeas 47, nays 51, as follows:

[ Rolcall Vote No. 82 Leg. ]

YEAS—47

Abraham
Baucus
Biden
Bingaman
Boxer
Bumpers
Burns
Byrd
Campbell
Coates

NAYS—51

Akaka
Baucus
Biden
Bingaman
Boxer
Bumpers
Burns
Byrd
Campbell
Coates

The results show a clear majority in favor of the amendment. The next step is to move forward with the amendment to support disabled individuals.
The PRESIDING OFFICER. On this vote the yeas are 47, and the nays are 51. Three-fifths of the Senators present and voting not having voted in the affirmative, the motion to waive the Budget Act is not agreed to. The point of order is sustained. The amendment falls.

AMENDMENT NO. 2234

Mr. DOMENICI. Mr. President, we have just two amendments that require votes, but we have finally agreed on the Boxer amendment and there will not be a second-degree amendment. I ask that amendment No. 2234 be called up. Those will be voice voted. It is already understood if the Republicans say "no" loud enough, you will win.

Mrs. BOXER. Mr. President, I thank my chairman for his many courtesies throughout the evening. I would have appreciated one more courtesy, which would have been accepting the amendment I urge a strong voice vote on this amendment. I want to say to my colleagues that I urge a strong voice vote on this side. There isn't one penny of tobacco money that I have approved or one more courtesy, which would have been accepting the amendment that I am not in a position to do as my two previous colleagues have done because we have a bit of a dilemma for tobacco farmers. Everyone who has proposed legislation to include the tobacco provisions that might otherwise bring down tobacco legislation for tobacco farmers in terms of transition.

The tobacco reserve fund, however, has been wisely fenced off by the chair of the Senate Committee that might be raised by those of us who might have other spending plans. But the only source of payment for any of the plans that have been proposed or considered is going to be the money that comes into that particular fund. This amendment would simply make available that particular funding, along with Medicare, to fund any of the tobacco provisions that might otherwise bring down tobacco legislation for tobacco farmers.

Mr. DOMENICI addressed the Chair. The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Everybody should recall that the Republican budget says unless and until Congress of the United States produces legislation with 60 votes that does otherwise, we allocate whatever Federal moneys we receive from any cigarette settlement to the Medicare fund, which is the only one of the funds that is most abused by smoking—$25 billion a year.

So what we have now is an attempt to say, no, let's change it just a little bit, let's add another use to that fund. I don't believe we should do that. I make a point of order that this amendment violates the Budget Act because it is not germane.

Mr. ROBB. Mr. President, I move to waive the point of order, and I ask for the yeas and nays.

The yeas and nays are ordered, and the clerk will call the roll. The legislative clerk called the roll. Mr. NICKLES. I announce that the Senator from North Carolina (Mr. HELMS) is necessarily absent.

I further announce that if present and voting, the Senator from North Carolina (Mr. HELMS) would vote "yea."

Mr. FORD. I announce that the Senator from Hawaii (Mr. INOUYE) is necessarily absent.

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

The result was announced—yeas 31, nays 67, as follows:

{Rollcall Vote No. 83 Leg.}

YEAS—31

Abraham Abraham
Baucus Baucus
Boxer Boxer
Brown Brown
Baucus Baucus
Byrd Byrd
Bingaman Bingaman
Biden Biden
Bond Bond
Brownback Brownback
Bryan Bryan
Bumpers Bumpers
Burns Burns
Campbell Campbell
Chafee Chafee
Collins Collins
Coats Coats
Cochran Cochran
Collins Collins
Craig Craig
D'Amato D'Amato
DeWine DeWine
Dodd Dodd
Domenici Domenici
Dorgan Dorgan
Durham Durham
Eisenhower Eisenhower
Ford Ford
Fusillo Fusillo
Graham Graham
Grassley Grassley
Grimsley Grimsley
Griffith Griffith
Gunn Gunn
Hatch Hatch
Helms Helms
Inouye Inouye
Johnson Johnson
Kerry Kerry
Kohl Kohl
Kyl Kyl
Lautenberg Lautenberg
Lugar Lugar
McConnell McConnell
McCain McCain
McKain McKain
Mack Mack
McCollum McCollum
McConnell McConnell
McKay McKay
Murray Murray
Nickles Nickles
Nininger Nininger
Paul Paul
P总承包 P总承包
Pearlstein Pearlstein
Plaskett Plaskett
Poe Poe
Portman Portman
Pryce Pryce
Rabinowitz Rabinowitz
Reid Reid
Robb Robb
Rodino Rodino
Roth Roth
Sessions Sessions
Shelby Shelby
Smith (NH) Smith (NH)
Smith (OR) Smith (OR)
Snow Snow
Specter Specter
Stevens Stevens
Thurmond Thurmond
Torricelli Torricelli
Towne Towne
Warner Warner
Webb Webb
Wyden Wyden

NAYS—67

Abramson Abramson
Ashcroft Ashcroft
Baucus Baucus
Breaux Breaux
Byrd Byrd
Bingaman Bingaman
Bond Bond
Bums Bums
Brown Brown
Bumpers Bumpers
Burns Burns
Campbell Campbell
Chafee Chafee
Collins Collins
Coats Coats
Cochran Cochran
Collins Collins
Craig Craig
D'Amato D'Amato
DeWine DeWine
Dodd Dodd
Domenici Domenici
Dorgan Dorgan
Durham Durham
Eisenhower Eisenhower
Ford Ford
Fusillo Fusillo
Graham Graham
Grassley Grassley
Grimsley Grimsley
Griffith Griffith
Gunn Gunn
Hatch Hatch
Helms Helms
Inouye Inouye
Johnson Johnson
Kerry Kerry
Kohl Kohl
Kyl Kyl
Lautenberg Lautenberg
Lugar Lugar
McConnell McConnell
McCain McCain
McKain McKain
Mack Mack
McCollum McCollum
McConnell McConnell
McKay McKay
Murray Murray
Nickles Nickles
Nininger Nininger
Paul Paul
P总承包 P总承包
Pearlstein Pearlstein
Plaskett Plaskett
Poe Poe
Portman Portman
Pryce Pryce
Rabinowitz Rabinowitz
Reid Reid
Robb Robb
Rodino Rodino
Roth Roth
Sessions Sessions
Shelby Shelby
Smith (NH) Smith (NH)
Smith (OR) Smith (OR)
Snow Snow
Specter Specter
Stevens Stevens
Thurmond Thurmond
Torricelli Torricelli
Towne Towne
Warner Warner
Webb Webb
Wyden Wyden

NOT VOTING—2

Helms Helms
Inouye Inouye

The amendment (No. 2234) was rejected.

The PRESIDING OFFICER. On this vote the yeas are 31, the nays are 67. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained and the amendment falls.

The Senator from New Mexico.

Mr. DOMENICI. Mr. President, let me just say there are no more amendments that we have to have rollcall votes on before final passage. I ask for the yeas and nays on final passage.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. DOMENICI. Mr. President, I ask we agree to vote—to have a voice vote en bloc on the amendments that are on the list that I sent to the desk. I send that to the desk now. It is the list that we submitted which starts with No. 2271 and ends with No. 2252. I ask unanimous consent that those amendments
be voted en bloc, and that they be voice voted. There is an expectation that the ayes will prevail here. I call that to the attention of the Chair.

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

Mr. DOMENICI. I thank the Chair.

VOTE ON AMENDMENTS NOS. 2271, 2238, 2180, 2243, 2265, 2272 and 2252, EN BLOC

The PRESIDING OFFICER. The question occurs on agreeing to amendments 2271, 2238, 2180, 2243, 2265, 2272, and 2252. The amendments (Nos. 2271, 2238, 2180, 2243, 2265, 2272, and 2252) were agreed to.

The text of the amendments is printed in a previous edition of the RECORD.

AMENDMENT NO. 2288

TAX COMPLEXITY

Ms. MOSELEY-BRAUN. Mr. President, I am so pleased that the Senate has agreed to accept my amendment on tax complexity. Mr. President, two weeks from now is April 15, a day known as Tax Day. On that day, approximately 120 million Americans will file some 1.6 billion tax returns to the Internal Revenue Service. Of these taxpayers, more than 40 percent will file the short tax forms known as the 1040EZ, or the 1040 long form. These two forms—only one page long—are designed to be simple and easy to complete, but Americans will pay millions of dollars to tax preparers to fill out these forms in their stead in order to avoid making a mistake and facing the wrath of the Internal Revenue Service.

The perception is that the tax code is too complicated, and frankly, these Americans have good reasons to be concerned. The Balanced Budget Act of 1997, passed by Congress last year and hailed as providing significant tax relief, added over 1 million words and 315 pages to the Internal Revenue Code. The capital gains computation form alone grew from 19 lines to 54. Consequently the average taxpayer will spend 9 hours and 54 minutes preparing Form 1040 for the 1997 tax year. The total burden on all taxpayers of maintaining records, and preparing and filing tax returns is estimated to be in excess of 1,600,000 hours this year.

Tax relief is not just about financial relief, it is also about paperwork relief. This amendment states that it is the Sense of the Senate that this chamber give priority to tax proposals that simplify the tax code and reject proposals that add greater complexity to the code and increased compliance costs to the taxpayer. I think we have sent a sound message to the American people that we are committed to reducing complexity in this already onerous tax system.

AMENDMENT NO. 2291

Mr. LAUTENBERG. Mr. President, this amendment expresses the Sense of the Senate that Congress should fulfill the intent of the Amtrak Reform and Accountability Act of 1997 and appropriate sufficient funds in each of the next five years to enable Amtrak to implement its Strategic Business Plan.

In the Amtrak Reform and Accountability Act of 1997, Congress declared that “intercity rail passenger service is an essential component of a national intermodal passenger transportation system.” With the passage of this Act, Congress and the President effectively agreed to provide adequate appropriations over the next five years for Amtrak to implement its Strategic Business Plan so that it may achieve the goal of operating self-sufficiency.

I would like to take a moment to thank Senator LOTT for his cooperation on this amendment and for his commitment to providing the funding necessary for Amtrak to implement its Strategic Business Plan.

I would also like to thank Senator MCCAIN for his cooperation and assistance in working out the language of this amendment.

Finally, I would like to thank Senators ROTH, BIDEN and all of the co-sponsors of this amendment for their continuing support of Amtrak.

I believe that for the first time in memory, we have had a formal commitment among members of Congress to provide Amtrak with the funding necessary for it to turn its financial situation around. We will accomplish this by providing Amtrak with the capital funds necessary to modernize its equipment and facilities. For too long, Congress has underfunded Amtrak, leaving it with an aging and inefficient capital stock. By providing sufficient capital funding, we will allow Amtrak to increase the efficiency of its operations and attract new passengers by providing better, more reliable service.

Last year’s $2.2 billion capital fund and the passage of the Amtrak Reform legislation brought the dawn of a new day for our national passenger railroad.

We need Amtrak to reduce congestion on our highways and in our skies. Congress and the President have demonstrated clear support for Amtrak as a national system and for continued federal appropriations. Too often in the past, we under-funded this important system. Today, Amtrak is operating under substantial challenges to meet strict business goals.

I believe we are up to the task and I hope and expect that we will provide the funds we have promised and give Amtrak a fighting chance to succeed.

Mr. BIDEN. Mr. President, I am pleased to join with my good friend, the distinguished Ranking Member of the Budget Committee, FRANK LAUTENBERG, in introducing this amendment. We are in excellent company, joined by the distinguished Chairman of the Finance Committee, BILL ROTH, the distinguished Majority Leader, and other supporters of Amtrak.

As I testified just last week before Senator SHELBY’S Appropriations Sub-committee on Transportation, Amtrak is currently under the gun—both the Amtrak Reform Act we passed last year, and our current budget plans assume that Amtrak will be without operating subsidies beginning in 2002.

I am clear that this is a wise course of action. Virtually all passenger rail systems in the world are supported by public funds, because their benefits—reduced congestion on highways and at airports, less air pollution—are those who may never ride a train. Public support does not automatically signify inefficiency. Mr. President; in the case of passenger rail, it is a recognition that the public benefits are not fully paid for by individual ticket purchases.

But it is even clearer, Mr. President, that passenger rail deserves support for its major capital needs. Just as the federal government provides funds for highways, airports, ship channels, and ports, Amtrak has a proposed by the strictest notions of economic efficiency—in providing support for the basic infrastructure of our national transportation system.

The heavy burdens placed on Amtrak by years of under funding, Amtrak has responded with increased efficiency—and has undertaken a business plan that aims at operating self-sufficiency by the year 2002.

This amendment expresses the sense of the Senate that we should live up to our end of the deal we entered into when we passed the Amtrak Reform Act last year—we should, at an absolute minimum, provide Amtrak with the funds necessary for them to reach 2002 with the equipment, routes, and ridership that will make that self-sufficiency possible. That means providing Amtrak with the funds—both long-term high-return capital from its capital funds, as well as operating support—that they anticipate in that business plan.

And I must add, Mr. President, that following the recommendation of last year’s Presidential Emergency Board, Amtrak has agreed to provide pay raises for its long-suffering workers. To make good on that commitment, and to provide similarly for all of the workers that have gone for years without a pay raise—or even a contact—Amtrak will require the funding level we commit to with this amendment.

I am gratified that we have the support of so many of my colleagues for this amendment. I urge the Senate to be a voice in support of funds for Amtrak that will allow them to achieve the goals that we have set for them. That, Mr. President, is the least we can do.

Mr. MACK. Mr. President, there has been a good deal of concern over whether the budget resolution actually provides adequate funding to allow the Labor-HHS subcommittee to provide increased funding for the National Institutes of Health as assumed in the budget.

After extensive conversations with the Chairman of the Budget Committee
Chairman and his staff. I am confident that the recommendations contained in the budget resolution would in fact allow for increased funding of the National Institutes of Health.

In fact, the Chairman of the Budget Committee has agreed to enter into a colloquy with me which explicitly states that the budget assumes a substantial increase over the Labor-HHS subcommittee’s 1998 appropriated levels. The chairman has assured me that this funding level assumes increases to cover costs associated with forward funding in last years Labor-HHS appropriations bill. Additionally, the budget assumes further increases to fund a number of Congressional priorities, including increased funding for the National Institutes of Health.

The full content of the colloquy is contained in a written statement which I will now send to the desk and ask that it be entered into the RECORD in its entirety.

Mr. President, as my colleagues will recall, during consideration of the 1998 Budget Resolution, I offered an amendment to express the sense of the Senate that funding for the National Institutes of Health should be increased by 100 percent over the next five years. It passed by a vote of 98–0.

The amendment I am offering today will help to ensure that the Senate continues to move forward toward achieving this goal. The 1999 Budget Resolution assumes an increase of $1.5 billion for the National Institutes of Health for FY 1999, an 11% increase over the FY 1998 funding level.

I know the Chairman of the Budget Committee, Senator DOMENICI, has worked very hard in a tight budget year to include this increase in the Budget Resolution. I want to express my sincere thanks to Chairman DOMENICI and commend him for his leadership on this initiative. He, too, has been a friend to NIH and I know he shares our commitment to increased funding for biomedical research.

I am aware of concerns raised by patient organizations and public health advocacy organizations with respect to future increases for NIH.

Based upon discussions I have had with both Chairman DOMENICI and with Chairman STEVENS today, I am convinced the budget resolution will, in fact, lead to the increases necessary to achieve the goal of doubling funding for NIH.

I have submitted into the RECORD a colloquy with Senator DOMENICI which addresses these concerns, and I encourage all interested parties to review this colloquy.

It is also important to remember that the Congress is at the beginning of the budget process. The House of Representatives has not acted on the Budget Resolution. There still must be a conference with the House.

At this time, I am convinced the Budget Committee has done its’ best to provide the framework to increase funding for NIH by at least $1.5 billion in FY 1999. And, I am hopeful that the Appropriations Committee will do its best to support these recommendations.

For purposes of this Budget Resolution, I offer to express the Sense of the Senate to be on record with respect to our bipartisan commitment to NIH.

To that end, the amendment I offer today will express the Sense of the Senate in three areas.

First, it would reaffirm our commitment to forward funding for NIH over the next five years.

Second, it would express the Sense of the Senate that appropriations for NIH should be increased by $2 billion in FY 1999.

Finally, it would express the Sense of the Senate that, at a minimum, appropriations for NIH should match the levels specified in the Budget Resolution.

Funding for NIH has always enjoyed strong bipartisan support in the Senate. To the exception I urge my colleagues to support this amendment.

**ADDITION OF COSPONSORS—AMENDMENT NO. 223**

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that the following Senators be added to the amendment to the sense of the Senate amendment No. 2243: Senators MOYNIHAN, JEFFORDS, CHAFEE, KERRY, MOSELEY-BRAUN, LIEBERMAN, DURBIN, SARABANES, MIKULSKI, DODD, BAUCUS, LEAHY and HUTCHINSON.

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

**AMENDMENT NO. 2219**

Mr. DOMENICI. Mr. President, we have one last thing, amendment No. 2219, by Senator DORGAN. Would you call that up? Here we are going to voice our objection. It is so ordered.

Mr. DOMENICI. Mr. President, by unanimous consent that the following Senators be added to the amendment to the sense of the Senate amendment No. 2219: Senators MIKULSKI, DOSS, DOMENICI, BAUCUS, LIEBERMAN, LEAHY, and HUTCHINSON. The PRESIDING OFFICER. Without objection, it is so ordered.

**AMENDMENT NO. 2243**

Mr. KOHL. Mr. President, my amendment to the Budget Resolution I hope will be only the first step this Congress will take to prevent abuse and mistreatment of elderly and disabled patients in long-term care facilities. Mr. President, it is estimated that more than 43% of Americans over the age of 65 will likely spend time in a nursing home. The number of people needing long-term care service, both in nursing homes and home health care, is sharply increasing, and it will continue to do so as the Baby Boom generation ages. The vast majority of long-term care facilities do an excellent job in caring for their patients, but it only takes a few abusive criminals to cast a dark shadow over what should be a healing environment.

A disturbing number of cases have been reported where long-term care workers with criminal backgrounds have been cleared to work in direct patient care, and have subsequently abused patients in their care. Most recently, The Wall Street Journal published a troubling article describing the extent of this problem and the difficulties we face in tracking known abusers. I ask that this article be printed in the RECORD.

Mr. KOHL. This article is only the tip of the iceberg. A recent report from the Nation’s long-term care Ombudsmen indicates that in 29 states surveyed, 7,045 cases of abuse, gross neglect, or exploitation occurred in nursing homes and board-and-care facilities. Similar stories have appeared nationwide and abuse is not limited to nursing homes. It is far too easy for a health care worker with a criminal or abusive background to gain employment and prey on the most vulnerable patients.

Why is this the case? Because current state and national safeguards are inadequate to screen out abusive workers. All States are required to maintain nurse aide registries which include information about abusive workers. But these registries are not comprehensive or complete. First, many facilities do not report abuse complaints and instead, simply fire the worker. Second, these registries usually include abuse information about home health and hospice aides. Finally, and most important, there is no national system in place to track abusers, little information sharing between States, and no Federal requirement that a criminal background check be done on potential employees. A known abuser or someone with a violent criminal background in Iowa would have little trouble moving to Wisconsin and continuing to work with patients there. I have introduced and continue to work on legislation that would create a national registry of abusive long-term care workers and require criminal background checks for prospective employees who participate in Medicare and Medicaid. Although this will not prevent all cases of abuse, I believe it will go a long way toward making sure that those who have a history of preying on the vulnerable are not paid to do so by Medicare and Medicaid.

This Budget Resolution includes a lot of different priorities and funding recommendations—some of which I agree with, and others that I believe deserve...
more attention. But as we consider this Budget Resolution, we must not forget to protect our nation’s most vulnerable citizens—the elderly and the disabled.

This amendment expresses our desire to establish a viable, efficient, and cost-effective national system that will screen out abusive workers and prevent mistreatment of our patients. We should adopt this amendment to demonstrate our commitment to protecting the elderly and the disabled from known abusers and criminals. When a patient checks into a nursing home facility or receives home health services, they should not have to give up their right to be free of abuse, neglect, or mistreatment.

EXHIBIT 1

[From the Wall Street Journal]

MANY ELDERS RECEIVE CARE AT CRIMINALS’ HANDS

(By Michael Moss)

When Carletos Bell applied to work at the San Antonio Convalescent Center, he didn’t try to hide his violent criminal past. He disclosed his record of aggravated assault on his application for nurse-assistant. He got the job anyway, in June 1996. Six months later, Mr. Bell was charged with sexually assaulting a 74-year-old resident of the nursing home. He was found not guilty and is now in jail awaiting trial.

The case illustrates a growing problem for nursing-home patients and owners alike: People with serious rap sheets are landing jobs as care givers for the elderly.

On Monday, a local trial judge in Denver gave a green light to the first-ever class-action lawsuit alleging neglect of nursing-home residents. A pivotal claim is that many nurse-assistants had arrest records. A local attorney for the facility’s former owner, GranCare Inc., denies the allegation of negligence.

Even before that ruling, crime against residents of nursing homes has been a growing concern among patient advocates. Efforts to draw attention to the problem have been stymied partly by the lack of good data. Advocates say there is severe underreporting of crimes—rapes—because residents often fear retribution for leveling complaints.

Still, the U.S. Department of Health and Human Services’ Office of Inspector General took disciplinary actions mostly related to nursing-home abuse in 382 cases in 1997, more than double a year earlier. The office received about 3,000 abuse allegations in that year, up 14% over a three-year period.

Lesser crimes abound as well. Four percent of nursing-home patients acknowledged they stole money, jewelry and other items from nursing homes. Now it’s a very grave concern because our unemployment rates are so low it’s hard to find qualified applicants.”

AMENDMENT NO. 2380

Ms. MOSELEY-BRAUN. I believe the Senate has taken a step in the right direction today by accepting my amendment that ensures that the Senate will not reduce the value of Social Security. Mr. President, Social Security is perhaps the most successful and important government program ever enacted in the U.S. It has allowed millions of Americans to retire with dignity and has played a key role in bringing poverty among the elderly to the lowest level since the government began keeping poverty statistics.

But if you ask young adults—the twenty-something and thirty-something Americans—whether they believe Social Security will be there for them, they will tell you that they are more likely to see a UFO than receive Social Security benefits when they are old.

That’s right. Mr. President, not just because these young Americans are financing the benefits that my generation will receive from Social Security, but also because they have every right to benefit from Social Security when they reach their twilight years. Social Security was created not just for the current generation, or for our generation, but for all the generations that will follow.

The Senate, I think, has a responsibility to restore the faith of young Americans in their Social Security. In a recent poll, fewer than one-third of Americans age 55 and older expressed a
lack of confidence in the ability of the Social Security system to meet its long-term commitments. For those under age 55, however, nearly two-thirds expressed that view.

Frankly, young Americans have good reason to worry about their retirement security. As long as they live longer and retire earlier. As a result, retirees will collect Social Security benefits for a far longer time than was anticipated when the system was developed. That means that younger Americans must be paying into a system that will no longer provide benefits when it is time for them to retire.

The impact of these trends will be greatly magnified when the Baby Boom generation retires. Once the Boomers have retired, there will be only about two working Americans contributing to Social Security for every retiree receiving benefits, down from over five just a generation ago.

Social Security is too important to the retirement security of too many people for us to retreat from that accomplishment. More than one-half of the elderly do not receive private pensions and more than one-third have no income from assets. For 60 percent of all senior citizens, Social Security benefits provide 40 percent of their retirement income. For 80 percent of all senior citizens, Social Security benefits provide over 50 percent of their retirement income.

It is my strong belief that in order to act to ensure that the Social Security system provides the same value to new generations of Americans as it did to past recipients. It is my hope that in having passed this amendment, we will have demonstrated to younger Americans that we are committed to safeguarding the integrity of the Social Security system so only for their generation, but for all the ones that will follow.

I also want to say how pleased I am that the amendment I proposed that would express the Senate’s sentiment that the Administration should include in its yearly budget a generational impact study will also be included in the budget resolution. I believe that this type of information will be useful in our decision making process and will lead us in a direction that is proactive, rather than reactive.

Again, I thank my colleagues for their support.

Mr. BIDEN. Mr. President, of all the priorities included in the Budget Resolution now before the Senate, I believe that none is more important than continuing our fight against violent crime and violence at home.

To a great extent, this Budget Resolution meets this test—but, in at least one area of this crime front, I believe the Budget Resolution must be clarified.

The amendment does exactly that—by clarifying that it is the sense of the Senate that the Violent Crime Control Trust Fund will continue through fiscal year 2002.

First, let me point out that it is Senator BYRD who, more than anyone, deserves credit for the crime law trust fund. Senator BYRD worked to develop an idea that was simple as it was profound—as he called on us to use the savings from the reductions in the federal workforce of 272,000 employees to fund one of the nation’s most urgent priorities: fighting the scourge of violent crime.

Senator GRAMM was also one of the very first to call on the Senate to “put our money where our mouths are.” Too often, this Senate has voted to send significant aid to state and local law enforcement—but, when it came time to “write the check,” we did not fund nearly the dollars we promised.


Since then, the dollars from the Crime Law Trust Fund have: Helped add nearly 70,000 community police officers to our streets; helped shelter more than 80,000 battered women and their children; focused law enforcement, prosecutors and victims service providers on providing immediate help to women victimized by someone who pretends to “love” them; forced tens of thousands of drug offenders into drug testing and treatment programs, instead of continuing to allow them to remain free on probation with no supervision and no accountability; convicted criminals; and brought unprecedented resources to defending our southwest border—putting us on the path to literally double the number of federal border agents over just a 5 year period.

The results of this effort are already taking hold—according to the FBI’s national crime statistics, violent crime is down and down significantly—leaving our nation with its lowest murder rate since 1971. And the lowest murder rate for wives, ex-wives and girlfriends at the hands of their “intimates” to an 18-year low.

In short, we have proven able to do what few thought possible—by being smart, keeping our focus, and putting our “money where our mouths” are—we have actually cut violent crime.

Today, our challenge is to keep our focus and to stay vigilant against violent crime. Today, the Biden-Gramm amendment before the Senate offers one modest step towards meeting that challenge—By confirming the Senate’s commitment to fighting crime and violence against women will continue to at least 2002.

By confirming the Senate’s commitment that the Violent Crime Control Trust Fund will continue—in its current form which provides additional federal assistance without adding 1 cent to the deficit—to at least 2002.

The Biden-Gramm amendment offers a few very simple choices: Stand up for cops—or don’t; stand up for the fight against violence against women—or don’t; stand up for our current recourse of youth violence—or don’t; stand up for building new prisons—or don’t; stand up for increased border enforcement—or don’t.

Every member of this Senate is accomplishing violent crime. Now, I urge all my colleagues to back up with words with the only thing that we can actually do for the cop walking the beat, the battered woman, the victim of crime—provide the dollars that help give them the tools to fight violent criminals and help restore at least some small piece of the dignity taken from them by a violent criminal.
Let us be very clear of the stakes here—frankly, if we do not continue the Trust Fund, we will not be able to continue such proven, valuable efforts as the Violence Against Women law. Nothing we can do today can guarantee that we will continue the Violence Against Women Act when the law expires in the year 2000.

But, mark my words, if the Trust Fund ends, the efforts to provide shelter, redress and help, and get tough on the abusers and batterers will wither on the vine. Passing the amendment I offer today will send a clear, unambiguous message that the trust fund should continue and with it, the historic effort that is maintained by the violence against women act that says by word, deed and dollar that the Federal Government stands with women and against the misguided notion that “domestic” violence is a man’s “right” and “private” business.

STATEMENT ON THE MARKET ACCESS PROGRAM

Mr. KEMPTHORNE. Mr. President, I rise today in support of the Market Access Program. This program continues to be a vital and important part of U.S. trade policy that maintains and expanding U.S. agricultural exports, countering subsidized foreign competition, strengthening farm income and protecting American jobs.

The Market Access Program has been a tremendous success by any measure. Since the program was established, U.S. agricultural exports have doubled. In Fiscal Year 1997, U.S. agricultural exports amounted to $57.3 billion, resulting in a positive agricultural trade surplus of approximately $22 billion and contributing billions of dollars more in increased economic activity and additional tax revenues.

For example, the Idaho State Department of Agriculture received $125,000 of Market Access Program funds during the past year. These funds were used to promote Idaho and Western United States agricultural products in the international markets of China, Taiwan, Guatemala, and Costa Rica. One particular activity, the promotion of western U.S. onions in Central America, required $15,000 of MAP funds and generated inquiries for onions valued at $150,000.

Demand for U.S. agricultural products is growing 4 times greater in international markets than domestic markets. MAP has been an enormously successful program by any measure in supporting this growth. Since the program began in 1985, U.S. agricultural exports have more than doubled-reaching a record of nearly $60 billion in 1996; contributing to a record agricultural trade surplus of $30 million; and providing jobs to over 1 million Americans.

MAP is a key element in the 1996 Farm Bill, which gradually reduces direct income support over 7 years. Accordingly, farm income is now more dependent than ever on exports and maintaining access to foreign markets.

Two years ago, European Union (EU) export subsidies amounted to approximately $10 billion in US dollars. The EU and other foreign competitors also spent nearly $500 million on market promotion. The EU spends more on wine promotion than the US spends for all its commodities combined.

Mr. President, the Market Access Program should be fully maintained as authorized and aggressively utilized by the U.S. Department of Agriculture to encourage U.S. agricultural exports, strengthen farm income, counter subsidized foreign competition and protect American jobs.

Mrs. MURRAY. Mr. President, I am a cosponsor of amendment No. 2268 to S. Con. Res. 86 introduced by Senator KEMPTHORNE, expressing the Sense of the Senate that funding for the Market Access Program (MAP) should be fully maintained as authorized and aggressively utilized by the U.S. Department of Agriculture to encourage U.S. agricultural exports, strengthen farm income, counter subsidized foreign competition, and maintain American jobs.

The MAP is an important trade promoting program that truly benefits the diverse agriculture of Washington state and the nation. The MAP is a partnership with private agriculture to promote U.S. goods around the world. It helps to level the playing field for our growers in a global marketplace made increasingly competitive by subsidies foreign governments provide to their growers.

This Sense of the Senate resolution corrects the misguided direction of the Budget Committee to cut the MAP. This proposed cut was one among many reasons that I voted against this Budget Resolution when it was passed out of the Budget Committee.

Since moving towards market-based agricultural programs under the 1996 FAIR Act, research and trade have become the new safety net for our growers. Without continuous and vigorous investment in market share programs, we will see market share decline and farmgate prices drop. Our growers are already suffering under depressed prices, they need us to maintain the MAP and other agricultural trade initiatives to remain competitive. I urge my colleagues to support this amendment.

Mrs. BOXER. Mr. President, I strongly support the Market Access Program. I urge my colleagues to support the sense of the Senate amendment, offered by Senator KEMPTHORNE, to assure funding for this very important and effective agricultural export program. I would like to point out to the Senate why this Market Access Program (MAP) is so important for agriculture in my State of California, and many other states as well.

Using the MAPs $90 million annual funding level as a fractional offset for the now $214 billion transportation package, has an enormous negative impact on American agricultural export efforts at the very time when our farmers are contending with congested markets in Asia and increased EU help for competing agricultural exporters seeking to displace American products in the marketplace.

My objection is not against transportation needs but the termination of an important agricultural export tool.

The purpose of the MAP is to increase U.S. agricultural project exports. This increase in such exports helps to create and protect U.S. jobs, combat unfair trade practices, improve the U.S. trade balance, and improve farm income.

The MAP is an important tool in expanding markets for U.S. agricultural products. Continued funding for this program is an important step in redirecting farm spending away from price supports and toward expanding markets.

The MAP program has been significantly reformed over the last several years to meet congressional expectations—now only small business, farmer cooperative foreign subsidiaries. No state departments of agriculture can participate in the program. The funding level has been substantially reduced to a third of its former cost. It is a cost share program, requiring participants to provide matching funds to qualify for federal funding help.

And MAP works. The U.S. Department of Agriculture estimates that each dollar of MAP money results in an increase in agricultural project exports of between $2 and $7. The program has provided much needed assistance to commodity groups comprised of small farmers who would be unable to break into these markets on their own.

Mr. President, the Market Access Program has been an unequivocal success for California farmers. For many California crops, the MAP has provided the crucial boost to help them overcome unfair foreign subsidies. I would like to share two of the successes of this program in California.

California produces about 85% of the U.S. avocado crop on over 6,000 farms that average less than 8 acres. Between 1985 and 1993, California avocado growers utilized $2.5 million of their own money, combined with $3.4 million of MAP funds to achieve over $58 million in avocado sales in Europe and the Pacific Rim. This is better than a 17 to 1 return on our investment that means jobs for Californians.

The growth of California walnuts exports also ill illustrates the success of this program. Since 1985, the year before the MAP began helping walnuts, 90% of the growth in California walnut sales has come from exports. And 90% of this export growth has been to markets where California walnuts have had MAP support. These exports in 1985 totaled $36 million. The total export value has now grown to $119 million.

We should not unilaterally disarm our export promotion program for agriculture when we are only months away from the commencement of WTO agricultural trade negotiations scheduled to commence in 1999.
Mr. President, the MAP is a wise investment in American agriculture and I urge my colleagues to support Senator KEMPTHORNE's amendment to support needed funding to USDA's Market Access Program in the Budget Resolution.

Mr. COCHRAN. Mr. President, I support the amendment of the Senator from Idaho, Mr. KEMPTHORNE, expressing the Sense of the Senate that funding for the Market Access Program should be fully maintained.

The Senate has on several occasions debated funding for the Market Access Program. Most recently, on July 23, 1997, the Senate voted 59-40 in favor of tabling an amendment to reduce the Market Access Program from $90 million to $70 million. The Senate, recognizing the importance of this program, firmly rejected the suggestion to reduce it by even $20 million. I hope the Senate will, by an even greater margin, express its support that the budget should not assume the reduction of this program.

The Market Access Program is one of the few tools that the Department of Agriculture has to combat the unfair trading practices of other countries. Since its inception in 1985, the Market Access Program and its predecessors, the Targeted Export Assistance Program and the Market Promotion Program, have assisted nearly 800 U.S. cooperatives, trade associations and corporations in promoting their products overseas.

Our agricultural exports have more than doubled—from $29.3 billion in 1985 to a forecast level of $58.5 billion in 1998. In large measure this moderate increase, even in the face of the Asian currency crisis, signifies the results of efforts we have made since the mid-1980's to enhance our export competitiveness and develop new markets overseas.

In fact, it is remarkable that the value of U.S. exports will increase slightly this year and are only slightly below the record 1996 level, even with the dire situation in Asian markets. U.S. farmers are particularly vulnerable to the instability of key Asian markets, which account for 40 percent of our exports. The Market Access Program and other export programs are crucial to our farmer's ability to compete in a global marketplace.

NATIONAL PARKS AND ENVIRONMENTAL IMPROVEMENT ACT FUND

Mr. MCCAIN. Mr. President, I rise today to reaffirm a commitment made by the chairman of the Senate Budget Committee, Senator DOMENICI, to establish a National Parks and Environmental Improvement Fund in the FY'99 Budget Resolution. My colleagues, Senator STEVENS, and I reached an agreement last year with the Budget Committee Chairman to designate this fund from the interest derived from an $800 million land settlement for the protection and enhancement of our national parks.

The fund will become a reality upon enactment of this year's budget resolution. I believe the reasons for creation of this fund could not be more compelling when directed toward the protection of our most coveted natural areas. The General Accounting Office found that while the park system and park visitation are growing, the financial revenue generated to maintain our parks continue to fall short of the need. The estimated unmet capital needs has reached nearly $8 billion. In times of budgetary constraint, the interest from the fund, which could reach $50 million annually, will allow the Federal government to pay for much needed capital improvements within our National Parks and begin to address the multi-billion dollar backlog in repairs and maintenance. Beginning in FY'99, the interest targeted to the fund will allocate 40 percent to national parks, 40 percent for state grants and 20 percent for marine research.

Mr. President, our National Park System is our natural and historical heritage, set aside for the benefit of present and future generations. The National Parks and Environmental Improvement Fund will help us to fulfill our stewardship responsibilities and protect the integrity of our natural environment.

I applaud the leadership of my distinguished colleague, Senator DOMENICI, for including the fund as part of this year's budget resolution.

Mr. MACK. Mr. President, I understand that an assumption in this Budget Resolution considers that receipts from the sale of the surplus public lands could be used to fund recovery efforts on private land for endangered species. I would like to clarify that this would in no way alter the current arrangement with the Everglades Recovery Program which is also funded by land sales.

Mr. DOMENICI. That is correct, the surplus public land sales assumed in the resolution are restricted to excess Bureau of Land Management lands, and would not in any way slow progress with recovery of the Everglades. The lands proposed in the resolution would be lands that have not been designated for another purpose.

Mr. MACK. I thank the Senator for that clarification.

FEDERAL EXPENDITURES TO INCREASE U.S. ENERGY INDEPENDENCE

Mr. CHAFEE. Mr. President, one of my top priorities since coming to Congress has been support of programs to eradicate the effects of cancer and other diseases that affect the people of the United States. I know many here in the Senate share my concerns who have joined me in seeking to increase funding substantially for the National Institutes of Health. The goal of this group as stated last year is to double funding for NIH over 5 years.

I am pleased that the Budget Resolution takes a substantial step toward meeting this goal and thank the Chairman of the Committee, Senator DOMENICI, for recommending a funding increase of $1.5 billion in FY1999 and $15.5 billion through 2003.

Mr. CHAFEE. Mr. President, I thank the chairman of the Board Committee for clarifying the report language. I yield the floor.
However, I would mention to the Chair that there has been much concern expressed by many public health advocacy groups that the Budget Resolution levels for the Appropriations’ Subcommittee on Labor, Health and Human Services, Education and Related Agencies will not support this increase. Accordingly, I would ask the floor manager to alleviate these concerns by answering a few simple questions for me.

Has the Budget Committee assumed sufficient budget recommendation to allow the Labor-HHS subcommittee to match its 302(b) allocation from last year?

Mr. DOMENICI. First, I would like to state for the record that 302(b) allocations for the Committee on Appropriations are solely within the purview of that committee. The Budget Resolution is an expression of the Senate’s priorities, and as such, makes recommendations to committees. However, the Budget Resolution assumptions do not bind the Appropriations Committee to any particular course of action, other than meeting the discretionary caps.

The being understood, the Budget Resolution assumes a substantial increase over the Freeze Baseline for the Labor-HHS subcommittee. The Freeze Baseline levels are based on FY 1998 appropriations action.

Mr. MACK. Does this assumed funding level also provide increases for shortfalls created due to forward funding in last year’s Labor-HHS bill?

Mr. DOMENICI. The Freeze Baseline already includes spending previously approved by the subcommittee, including forward funding and advance appropriations.

Mr. MACK. Finally, does the assumed level also provide increases to match the Budget Committee’s recommendation for increased NIH funding?

Mr. DOMENICI. The assumed increase exceeds the $1.5 billion increase for NIH in FY 1999 and is intended to fund other initiatives as well, such as IDEA.

Mr. MACK. I thank the Chairman of the Budget Committee, I believe he has been more than generous to the Labor, HHS Subcommittee and I hope that the Appropriations Committee will treat the subcommittee equally well.

To help that process, I sent to the desk a Sense of the Senate amendment, which I think the Senate should provide such funds to match the recommendations for increased NIH funding as set forth in the Budget Resolution.

MARKET ACCESS PROGRAM

Mr. GORTON. I am concerned about one program which has been slated as an offset for transportation increases— the Market Access Program. The Market Access Program is a USDA cost-share program which provides assistance to U.S. agriculture when competing against subsidized nations overseas.

In the State of Washington we have seen a dramatic increase in apple exports from 4.5 million boxes to over 25.1 million—an increase of over 500 percent. Export sales now total well over $300 million. This success is due, in part, to the Market Access Program. MAP is absolutely essential if U.S. agriculture is to remain viable and competitive in the international marketplace.

Mr. DOMENICI. I fully understand your concern, and the agriculture community shares about the current position of MAP in the Budget Resolution. During the Conference on the Budget Resolution we will have an opportunity to take another look at this issue. In that event, I will commit to working with you on this alternative. I want to assure you, the Committee went to great lengths to identify offsets for highway spending. As you know, we included MAP because it is one of several export programs through USDA.

Mr. GORTON. Thank you for your commitment to this effort. I look forward to working with you during the Conference Committee to see that this issue is resolved in a favorable manner.

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should we limit programs for our veterans in order to be even more generous to those who are already in an advantageous position under transportation formulas? Simply put, we should not. A more responsible course of action is to begin to direct highway dollars more fairly, limiting the increase overall by limiting the increase to states that were already getting more than their fair share.

Mrs. MURRAY. Mr. President, I am proud to have worked to get our children that floor today as we discuss a budget that is balanced and does have a planned surplus for as far as the eye can see. It was only a few short years ago when we were here on the floor debating budgets that anticipated deficits well into the future. While I support the fiscal responsibility assumed in this budget, I have to rise in opposition. This budget does little to prepare for the next century and it allows the federal government to turn its back on our children. This budget is a failure for our children and our economic future.

During Committee consideration and floor debate, I attempted to amend this Resolution to ensure that children remain a top priority of the federal budget. Unfortunately, the Republicans chose to ignore the education and early development needs of our children. The Republican budget strategy is to spend for today and do little to plan for tomorrow.

As a new Member of the Senate Budget Committee in 1993, I was committed to reducing the deficits and restoring fiscal order to federal spending. I knew it would be a long and difficult task, but I also knew we owed our children this much. We had to end deficit spending and stop borrowing from their future.

I stood on this floor during the summer of 1993 when we debated the Deficit Reduction plan, which many of my Colleagues on the other side predicted would drive our economy into recession and do little to reduce the deficit. As we debated year 1999 Budget Resolution, I am pleased to report that the discussion has gone from how to reduce the deficit to how to invest the surplus. The economy is strong and all indications show that economic growth will continue. Unemployment is at an all time low and interest rates are not raging out of control.

I am proud to have worked to get our fiscal house in order without jeopardizing our economic prosperity. I also welcome the many challenges of how to invest the surplus and maintain our investments in our future.

I am pleased that the Republican budget does do the right thing on Social Security. Individuals called for by the President, the Resolution currently before us today does dedicate any budget surplus to saving Social Security. This is the kind of bipartisan work that I am pleased to be part of. Saving Social Security is important for current workers and future retirees.

Social Security is the most important anti-poverty program ever implemented by the federal government. As a result of the enactment of Social Security, far fewer seniors live in poverty when they retire. For many, having Social Security gave them the ability to retire. Without Social Security, old age would mean economic insecurity and instability for many. This is an unqualified success and we must continue this proud legacy.

We have made a commitment to today's workers that must be honored. When they retire or become disabled Social Security will protect them and their families from economic disaster. We must do everything possible to maintain the success of Social Security.

But I am concerned that there are some who want to use the surplus to provide tax shelters to the most affluent. Make no mistake about it, simply allowing tax cuts to encourage workers to set up individual retirement accounts will not have Social Security. It will give those in the most affluent income a greater ability to shelter this income, but it does little to help Social Security. Keep in mind, Social Security is a social insurance plan, not a retirement plan. Insurance works best when the risk is spread across the population. Allowing the rich to shelter more of their income to save for retirement will not save Social Security.

Please do not hide behind saving Social Security to provide tax cuts to the most affluent workers. We deserve a more honest and responsible approach. We can reform Social Security without dismantling the program. We need to work in a bipartisan manner to enact real reforms, not tax cuts in disguise.

I also urge my Colleagues on the other side not to fool themselves into thinking that dedicated all federal tobacco revenues to Medicare will save the program. Medicare's problems go well beyond revenue. Unlike Social Security, Medicare has always been a pay-as-you-go program. Simply throwing money at the program will do little to improve the long term condition of the Medicare program. We all know that structural changes are the real answer. We have to improve the health of senior citizens before we can hope to improve the financial health of Medicare.

I am pleased that my amendment regarding prevention benefits for Medicare beneficiaries was adopted by the Senate. If my Colleagues on the other side are serious about saving Medicare, we must increase the prevention focus within Medicare. It is simply beyond understanding why Medicare will not reimburse for prescription drugs to reduce cholesterol, but will pay for inpatient, acute care for by-pass surgery.

A greater focus on prevention will prove that we are serious about saving Medicare. Prevention benefits are the kind of reforms needed to really save Medicare. It seems almost insincere to target new federal tobacco revenues to Medicare and not put these benefits to use in improving the health status of senior citizens.

I think the greatest failure of this budget is the complete disregard for enacting real tobacco control legislation. The debate is not just about how to spend tobacco revenues, but enactment of tobacco control legislation that could potentially wipe out smoking in less than one generation. We have an historic opportunity to end the plague of tobacco. We cannot afford to let this opportunity pass.

The Republican budget resolution contains huge roadblocks for enacting tobacco control legislation. I am concerned that the Resolution will block any new revenues for the Food and Drug Administration to regulate nicotine as a drug. Without new revenues, FDA cannot enforce youth access laws that prevent children from buying cigarettes. Without tobacco revenues, FDA cannot regulate an industry known for hiding the facts and lying to Congress. How can FDA challenge an industry that has creatively targeted our children?

There can be no anti-smoking national policy without a strong and well-financed FDA. Any attempt to pass anti-tobacco legislation without a strong FDA will only fail. We will never end the tobacco companies against on our children.

This Budget Resolution fails our children in many ways. Not just about tobacco, but in preparing them for the challenges they will face tomorrow. We have all seen study after study that proves we need to place education as a top priority at both the federal and state level. Our children do not have the resources and are not being given the opportunity to meet their potential.

I am disappointed in the lack of any effort in the Republican Budget Resolution to deal with overcrowded classrooms and decaying schools. How can we hope for high test scores when children have no heat in the classroom or windows covered with cardboard? How can we hope to prepare our children when there are 45 children in each classroom? How does a child receive the individual attention so important to developing their skills and their self esteem when there are 45 students for every teacher?

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Our classrooms boarder on chaos every day because of these deplorable conditions. Yet the Republican response was to simply ignore these problems.

These are not local problems as some may argue. A well educated and skilled work force is a national security issue. We cannot remain a global economic power without a well educated and skilled work force. If we do not dedicate the resources necessary to ensure that every child can learn and can learn in an environment that is geared toward education, we jeopardize our own economic stability. Education is not just a local concern or a concern of parents. Ask any business
owner about the need to have an adequate supply of skilled labor; I can assure you that this is not a local issue, but is becoming a national disgrace.

Ignoring investments in education is simply irresponsible and selfish. I urge my colleagues to think about the right thing and address the pressing needs of today’s classrooms. We can do better.

Mr. GRASSLEY. Mr. President, I wish to commend my colleague Senator DOMENICI, the Chairman of the Senate Budget Committee, for bringing a truly remarkable budget resolution to the Floor of the Senate. I truly never thought that I would be standing here during my lifetime preparing to vote on a resolution that will bring our federal budget into balance, even producing a surplus. This is going to be one of those rare occasions when the Congress will actually be following its own advice. We will advance beyond the rhetoric of talking about balancing the budget and actually balance the budget and live within our means.

We should be hearing the blue bird of happiness here in the Senate CHAMBER, and continue to be careful with the taxpayers’ money. But that doesn’t seem to be the case. Instead we are hearing the gremlin of spend, spend, spend. It seems that the lessons we have learned about tightening our belts and living within our means was fleeting at best. To make matters worse, we are talking about spending money that we do not have yet.

Another way that we are talking about spending money that we don’t have in the various votes about spending the tobacco settlement money. This is the appropriate time for this discussion.

In addition, we are putting the cart before the horse. We are debating how to spend the money from a tobacco settlement before we have made the hard choices required to enact this settlement. We have liability limitations, advertising restrictions, billion dollar attorneys fees, tax deductibility questions, new federal regulations, and antitrust limits? These are just a few issues that must be carefully considered. There is no question we have to pass any tobacco legislation.

When we pass tobacco legislation, our goal—our priority—must be to eliminate youth smoking. When I can, I discourage people, both old and young, from smoking. I recently took my grandson Patrick to a town meeting, where Al Gore was speaking, that was organized to alert young people to the dangers of smoking. Lord, make sure that my grandson and all the others in this room who favors youth smoking. Any efforts to characterize anyone otherwise are disingenuous and frankly, unhelpful to this debate.

I believe that we must pass tobacco legislation this session. And we need to keep our priorities straight when we do this. Our priority must be to stop youth smoking, not to coddle the tobacco industry. This Budget Resolution protects the chances of passing solid tobacco settlement legislation this year. It takes the proceeds from this theoretical legislation and puts them in a reserve fund for Medicare—which pays the health-related costs that the state lawsuits were designed to address. We lose any gains won in the settlement—smoking cessation programs, health research, and such—from existing funds. We believe that these are important enough to fund them without waiting for new legislation. This allows us to spend the money long enough to consider the issues that must be solved for us to get this money. This gives us the strongest hand to enact legislation that creates a real, effective and lasting regime for reducing youth smoking.

Now is also not the time to talk about new entitlement programs. Now is the time to keep entitlements and spending in line with last year’s bipartisan budget agreement. It is to make sure the entitlements we have already can meet their commitments to the millions of Americans who depend on them.

Again, this is a good budget. This budget provides the tools for real increases in spending for health research, child care, and other important programs. And we do it within the agreed upon budget caps.

I greatly admired the Chairman of the Senate Budget Committee and the skill and expertise which he has shown in crafting this budget resolution. This is a good resolution. This resolution keeps the faith with the American people as we continue to work to get a balanced budget.

Mr. JEFFORDS. Mr. President, I rise today to commend Majority Leader LOTT, Chairman DOMENICI and the members of the Budget Committee for putting together a balanced fiscal blueprint for America. The federal budget consists of more than 1,060 spending accounts that fund an estimated 113,000 programs, projects, and activities. The federal budget and a Congressional budget collapse these accounts into twenty budget functions. It is time to get real about the ever-increasing deficit and the need to for fiscal restraint of these functions. Under this resolution, the budget would be balanced three years earlier than the Fiscal Year 2002 deadline set out in the Balanced Budget Agreement of 1997.

The budget will be voting on provides for the first surplus in a generation. After reaching a peak of $290 billion in 1992, the unified budget deficit has declined to where the Congressional Budget Office projects a surplus in the current fiscal year of nearly $8 billion. Current law would have left unchanged, and real economic growth averaging 2.2 percent annually, the unified budget surplus is projected to grow to $67 billion by 2002. The budget achieves this surplus while also increasing spending by 3.8 percent over last year.

Even though the budget calls for increased spending, it maintains the principles of the Balanced Budget Agreement of 1997. This budget we have improved major budget reform; a bipartisan approach of protecting federal programs while preserving the principles of fiscal discipline.

Mr. President, Chairman DOMENICI has released funding for some of the programs that are important to me as Chairman of the Labor and Human Resources Committee. The budget provides an additional $15 billion for the National Institute of Health, $5 billion for the IDEA educational programs, and $5 billion for Child Care Block Grants.

The budget provides funding for the $214 billion Intermodal Surface Transportation Efficiency Act that the Senate passed on March 12, 1998. The State of Vermont would average $118 million a year in highway money and $2.5 million for mass transit projects through 2003. Vermont will be able to use funds to reconstruct aging rail lines, repair bridges, and improve roads throughout the state. Mass transit funding will go to small-town bus systems and minibuses for disabled and handicapped people in rural areas.

Mr. President, this budget provides additional funding on programs that are very important to me, we still have many challenges ahead. The Federal Government still has a $5.5 trillion debt. In Fiscal Year 1998 the Federal Government will spend about $250 billion on interest on the national debt. One out of every seven dollars in taxes goes simply to pay off the bondholders. This money gets diverted from important programs provided for by the Federal government. The Clinton Administration said that without enactment of any budget agreement, debt would have approached $7 trillion by 2002.

Mr. President, there is $14 trillion in unpaid benefits for the retirement and health care benefits of the Baby-boomer generation. That generation is now just ten years away from starting to impose its unprecedented burdens on its children and grandchildren. We as a nation need to begin to agree on a way to ensure the health care and retirement security of the Baby-boomer generation retirees.
The economy of the United States is booming and inflation has all but vanished. Unemployment is low and federal budget will be balanced for the first time in 30 years. This budget provides the building blocks to meet the challenges that lie ahead. I call upon my colleagues to build upon the progress of the last decade at both ends of Pennsylvania Avenue and support this budget resolution.

Ms. MIKULSKI. Mr. President, I rise in firm opposition to S. Con. Res. 86, the Budget Resolution for fiscal year 1999. I do so with great disappointment.

Mr. President, last year the Congress produced an historic budget agreement. We produced a plan to finish the job we started in 1993 of eliminating the budget deficit. We worked together—across party lines—to balance the budget, to protect our seniors by ensuring the solvency of Medicare, and to provide for key investments in education and health care. We also provided real tax relief for working families.

I had hoped we would be able to continue to build off the framework of the 1997 Balanced Budget Act and Taxpayer Relief Act. Unfortunately, this budget resolution ignores the priorities that were at the core of those agreements.

I will oppose this resolution because it does not reflect the principles and priorities that I believe must be part of the budget. I want a budget that preserves the safety net for seniors, gets behind the kids, provides for safer streets and a safer world, and provides for investments in science and technology. I believe this budget is deficient in each of these areas.

The Democratic budget alternative that was offered during our debate was strong where this resolution is deficient. It would have allowed for enactment of a comprehensive child care initiative to improve and expand the availability of quality, affordable child care. It would have improved school programs for school age children. No working parent should have to worry about finding suitable care for their child—a safe place with well-trained staff. The lack of adequate safe and affordable child care is a major concern of America’s families. Our alternative would have gone a long way to meet that critical need.

The Democratic alternative was strong on education. It would have enabled us to improve the education of our children through initiatives to reduce classroom size, hire 100,000 more teachers, and to ensure that children attend school in safe and well-maintained facilities.

Our Democratic alternative was strong on Social Security. It made clear that before we spend one penny of any projected budget surplus, we should save Social Security first. Social Security is a sacred compact with America’s seniors. We owe it to every senior citizen to ensure that Social Security is there for them, and that it will be there for today’s workers when they retire.

Our Democratic alternative was strong on health care. It would have provided for vital new investments in health care research. It would have ensured that the funds generated by a comprehensive tobacco bill—a priority for the American people—could be used to fight the war on tobacco-related health research, to provide programs for people who want to quit smoking, and to help tobacco farmers move to new crops.

I believe we produced a budget that should have had strong support of a bipartisan majority. It was a common sense budget—that kept our commitment to a balanced budget, while providing for the sorts of investments in key priorities that are critical for getting our country ready for the next century.

I am deeply disappointed that our alternative was rejected. The Budget Resolution before us now does not meet America’s needs. I cannot support it.

FOCUS ON TEACHER QUALITY

Mr. DEWINE. Mr. President, I rise today to speak on behalf of my Sense of the Senate Resolution which I have introduced.

In believe there is a crisis in teacher education in the United States. To me, that means we have to look to new ideas. If we are serious about restoring America as an academic power, I believe that we have to act immediately to find solutions. In the past, education reform has not been bold enough—and our children are suffering very serious consequences.

Some alarming statistics really brought this home for me: 36% of those now teaching core subjects—like English, math, science, social studies, and foreign languages—neither majored nor minored in those subjects.

A study conducted by the National Commission on Teaching and America’s Future revealed that

More than one-quarter of newly hired public school teachers in 1991 lacked the qualifications for their jobs, and nearly one-fourth of all secondary teachers did not even have a minor in their main teaching field.

The Commission also found that

56 percent of high school students taking physical science were being taught by out-of-field teachers, as were 27% of those taking mathematics and 21% of those taking English.

This is bad enough—but there’s also evidence that the least qualified teachers were most likely to be found in high-poverty and predominantly minority schools, and in lower-track classes. In fact, in schools with the highest minority enrollments, students had less than a 50% chance of getting a science or mathematics teacher who held a license and a degree in the field he or she taught.

This is a prescription for disaster on a truly national scale. With this failure of investment in properly trained teachers, we should not be surprised that students are doing so poorly on standardized tests. After all, if the teacher does not understand the subject, how can he or she be teaching, then certainly the students will not learn what they need to know.

It is inexcusable that a country that leads the world in so many ways does not give its children the best academic resources available. The truth is, the United States will not remain a world leader unless we make a commitment to invest more in teacher quality—and soon.

I am encouraged that we have bipartisan interest in reforming the education system. However, we must address the problem of quality teachers before we merely reduce class size and hire 100,000 new teachers.

The answer, in my view, is to only certify quality teachers—and furthermore, to get the quality teachers to teach our neediest kids. All children, from K to 12th grade, deserve the chance to have well-educated, qualified teachers who will help them be all they can in the limits of their academic potential.

I have introduced legislation that would provide assistance for the creation of teacher training facilities across the United States that will help train teachers who are already in the classroom, or about to enter the teaching profession. While it is important to stem the tide of unqualified teachers reaching the classroom, we must also focus on helping teachers that are already in the classroom and need assistance in becoming the best teachers that they can be.

The Teacher Quality Act is common-sense legislation that will assist school districts in their struggle to maintain the highest possible academic standards for their children. The idea for this legislation developed out of my admiration for the Mayerson Academy in Cincinnati, Ohio. The Mayerson Academy was established in 1992 as a partnership between the Cincinnati business community and its schools. Its mission is to provide the highest quality training and professional development opportunities to the men and women responsible for educating the children of Cincinnati.

We also need to tap into the expertise of people who have a lot to offer our children, but who haven’t trained specifically to be teachers. I have introduced legislation that will expand and improve the supply of well-qualified elementary and secondary school teachers, by helping States develop and implement programs for alternative certification or licensure of teachers.

The Alternative Certification and Licensure of Teachers Act will give people who would like to teach a chance to do so. These are people who can serve as mentors and role models—real-life examples of how a good education can make a huge positive difference in a student’s future.

We need to bring the best possible people into America’s classrooms—people who can inspire kids with their knowledge and experience. That’s what this bill would accomplish.

When it comes to education, our national task is clear: We have to develop
FIRST, let me say that I am pleased that the majority of this resolution have agreed to levels. In addition, I am pleased to see that an additional 5 billion in discretionary budget authority has been provided for the Child Care Block Grant, and I am additionally pleased to see provisions for the extension of federal funding for the Individuals with Disabilities Education Act for another 

The majority—who did nothing to help the red ink our Administration inherited from them—continues to cling to failed economic policies.

For instance, this budget resolution fails to do anything in the way of addressing the $112 billion that the GAO reports is needed to bring America's crumbling schools up to code, or to address the need to strengthen our public school system. There is no greater challenge or threat to our nation's future prospects in this technological age than the glaring shortage of quality education for every American child. Failure to respond to that challenge is not only irresponsible, but destructive. Equally distressing is that fact that this resolution does not do enough to address the needs of our Medicare and Social Security systems. This opportunity should have been used, I believe, to provide retirement security for our seniors. Social Security and Medicare have worked well together, bringing poverty among the elderly to its lowest level since we have been keeping statistics. Furthermore, these programs have helped to increase life expectancy among men and women. Millions of senior citizens deserve to have a secure and comfortable retirement. This budget fails to address their needs.

Do we need to operate these programs the same way? Of course not—but we do need to secure the guarantees they provide for Americans. The time for the budget process is now, and we do ourselves a disservice by not seizing this opportunity. As with education, the issue is whether we are preparing our nation for the challenges of the next century. We can fix these institutions and remain fiscally responsible. We have proven, in passing last year's budget agreement, that it is possible to address the needs of our nation and promote economic growth and a fair tax system at the same time. It is unfortunate that politics prevented us from fashioning a budget resolution that could have served the needs of all the American people, and which was based on sound economic and scientific support.

I urge my colleagues to vote yes on this resolution. Ms. SNOWE, Mr. President, the FY 1999 budget resolution is the first resolution that has been crafted since the historic balanced budget agreement was reached and enacted just 10 short months ago. I would first like to congratulate the Chairman of the Budget Committee, for bringing us to the point where a balanced budget is no longer just a projection at end of some indeterminate period of time—but may actually be a reality by the end of the current fiscal year. His years of dedication to balanced budgets and his ongoing commitment to being a responsible steward of the taxpayer’s dollar may soon be rewarded—and I am pleased to have had the opportunity to serve with him on the Budget Committee during this historic time.

Furthermore, I believe that the resolution Chairman has crafted deserves the support of no less than each of the 76 members who voted for last year’s bipartisan agreement. This resolution is not only consistent with that agreement, but also adds critical funding for a multitude of programs that are priorities for many in the Senate: child care, health research at the National Institutes of Health (NIH), global health programs, and federal funding for the Individuals with Disability Education Act (IDEA), to name just a few. Any member who heralded last year’s budget agreement—or who voted in favor the provisions and would be hard-pressed to explain why this resolution does not deserve their support this year.

Mr. President, as I stated during the recent markup of this resolution in the Senate, I believe it is important that we establish several guiding principles in crafting the FY 1999 budget resolution. I am proud to say that the resolution we crafted—and which is now being considered by the full Senate—achieves all of these goals.

First, based on the 29-year losing streak we had in balancing the federal budget, we have an obligation to craft a resolution that puts us on a credible and prudent path that will keep this budget balanced for many years to come.

Second, we must craft a budget resolution that is based on the balanced budget agreement that was enacted 10 short months ago.

And, fourth, we must ensure that any monies generated by tobacco revenues in the months ahead be utilized to preserve and protect Medicare.

Although it would seem that these principles will be easy to attain, Congress’ unproven track record of keeping the budget in balance underlines the nature of our economic assumptions, and the overwhelming desire of some individuals to “spend” money we don’t even have, will make this difficult.

As I said, Congress has been on a 29-year losing streak when it comes to balancing the budget—we have no record track record of getting the budget in balance or keeping it in balance. Therefore, much as I am pleased that CBO now projects an 8 billion surplus this year and total surpluses of 151 billion over the next five years. I believe we have an obligation to prove to the American people that we will ensure these projections become a reality not only for the next five years, but year after year in the future.

Achieving this goal will be harder than it looks. The simple fact is that the current outlook and surplus estimates are based on extremely tenuous projections. Therefore, to modify a well-known saying, “we shouldn’t count our surpluses before they’re hatched.”

First, our estimated surpluses are based on the assumption that we will
CONGRESSIONAL RECORD — SENATE

have no recessions or economic downturns in the coming 10 years. Based on the fact that we are now in the midst of one of the longest stretches of sustained economic growth in our nation's history, this seems to be a plausible estimate at best.

Specifically, as the chart behind me indicates, the current period of sustained economic growth first started in March 1991. If it continues until December 1998, it will match the duration of the previous peace-time expansion in U.S. history—the "Reagan expansion"—which lasted 92 straight months (i.e., November 1982 to July 1990). Furthermore, if this expansion continues until early 2000, it will be longest period of expansion ever—peace-time or wartime—which was set in the 1960's (106 straight months, from February 1961—December 1969).

Therefore, if CBO's projection come true and growth is sustained through 2000, we will double the all-time record of 106 straight months set in 1969. Needless to say, with 61% of the economists surveyed by Blue Chip believing a recession is likely to occur before March 2000, these estimates of prolonged economic growth leading to substantial surplus will be viewed with a health dose of skepticism.

Furthermore, our estimates for growth in even the current year are predicated on shaky estimates. Specifically, although the impact of the Asian economic crisis has seemed only slight up until now, we still do not know how severe the overall impact will be—and we certainly won't know until later in the year when it's too late to alter the budget.

Already, just two weeks ago, we learned that the U.S. trade deficit for the month of January soared to a new all-time record of $12 billion, as exports to Asia dropped precipitously. According to a recent Washington Post article, much of the decrease in our exports to Asia is the result of problems in Asia, the trade deficit will widen substantially this year from the $114 billion deficit posted in 1997—which was already the largest trade deficit our nation had posted in nine years. Needless to say, if this situation persists and worsens, there will be a drag on the U.S. economy.

In light of these risks, we would be wise to heed the caution of CBO when it comes to touting the budget outlook. As CBO, on their own January report, the economy is "highly unlikely to develop precisely as the forecast predicts"—and even a moderate recession, such as the one experienced in the early 1990's, could lead to the budget outlook deteriorating by "more than $100 billion for a year or more. In fact, if projected growth is even 0.5% lower than CBO projects over the next 10 years, the budget outcome will be $150 billion worse than projected in 2008.

It is because of CBO's own cautions that I am especially concerned with the economic and budget estimates of OMB. Although the CBO and OMB estimates are very close together, the simple fact is that OMB still provides a more favorable economic outlook in coming years. Specifically, as a result of more favorable growth estimates and lower inflation estimates, OMB's estimated surpluses are $66 billion—or 30% more—over CBO. Therefore, prudence dictates that OMB's estimates be viewed with even greater skepticism than the already optimistic projections of CBO.

Clearly, if we are to establish a track record of sound budgetary outcomes, we must chart a prudent course in the budget resolution. And for this reason, we must adopt a resolution that not only follows CBO's more modest economic estimates, but that also adheres strictly to last year's balanced budget agreement. This body should do nothing to jeopardize that agreement, which put in place strict spending limits that will improve the chances of projected surpluses becoming actual surpluses.

Furthermore, although the President's budget project that spending limits would be raised by $43 billion between 1999 and 2003—and would temporarily dip the budget back into red ink by a small amount in 2000. "Needless to say, these arent the kind of policies that Congress agreed to when we crafted the bipartisan balanced budget agreement last year—and that's not what the American people were led to believe would happen when President Clinton unveiled his budget proposal in February. While some might argue that the President is not bound by last year's budget agreement because the budget may be balanced sooner than expected, I have only one thing to say: I don't remember any clause in the agreement that read: "If a balanced budget is achieved prior to 2002, the terms and spending limits of this agreement are automatically waived."

Fortunately, the Chairman of the Budget Committee, Pete Domenici, understands the need for prudence, and crafted this resolution accordingly. As the budget before us demonstrates, the Chairman believes that we have an obligation to treat this favorable budget news as a chance to prepare for the future and address the long-term demands that retiring Baby Boomers will place on our budget in 10 short years.

Specifically, this resolution adheres to the budget agreement we struck 10 months ago. Also, he leaves every dime of every future surplus to the Social Security Trust Fund—which is just as the President urged us to do, though his own budget does not. And, finally, he indicates that Congress not forget or ignore the plight of Medicare—a critical program that will be insolvent in 2008, which is long before Social Security will be insolvent, and sooner than many would like to remember.

To achieve this final goal, the Chairman has wisely wallowed off any monies we receive from tobacco legislation and dedicated it to Medicare. In comparison, the President would like to target these monies to a host of new programs that he believes will have popular appeal—targeting windfall revenues to a program that we elderly rely on for their medical needs isn't as appealing as handing out new "goodies" in an election year, but I certainly believe it would be more responsible and popular.

In addition, when considering the cost of smoking-related illnesses on the Medicare program each and every year, linking any forthcoming tobacco revenue to the Medicare program is immediately appropriate. As the chart behind me indicates, Columbia University found that smoking-related illnesses cost the Medicare program $25.5 billion in 1995 alone. In fact, of the various forms of substance abuse that affect the Medicare program, tobacco-related illnesses accounted for 80% of the approximately $32 billion total costs in 1995.

Therefore, even assuming that these costs have not risen since 1995—which is doubtful—the President, in his own budget does not. And, finally, the President's assumption would cover only slightly more than half of these annual costs. Needless to say, the budget resolution's assumption that these monies be used to shore-up the Medicare program is more than miniscule. As the chart behind me indicates, Columbia University found that smoking-related illnesses cost the Medicare program $25.5 billion in 1995 alone. In fact, of the various forms of substance abuse that affect the Medicare program, tobacco-related illnesses accounted for 80% of the approximately $32 billion total costs in 1995.

Therefore, even assuming that these costs have not risen since 1995—which is doubtful—the President, in his own budget does not. And, finally, the President's assumption would cover only slightly more than half of these annual costs. Needless to say, the budget resolution's assumption that these monies be used to shore-up the Medicare program is more than miniscule.
The simple fact, Mr. President, is that the more uses we identify for possible tobacco revenues in the budget resolution, the more the urge to spend money will become the driving force for tobacco legislation. If that happens, the only winners will be the tobacco companies, and Congress will have lost sight of the true goal of that legislation: reducing—if not eliminating—teen smoking.

Tobacco companies would like nothing more than for those of us who are committed to passing comprehensive tobacco legislation to argue about how money will be spent. The simple fact is that if we divvy-up the pot of potential tobacco money in this resolution, we will face enormous pressure to simply pass a tobacco bill at all costs, regardless of its merits. Such a bill could well-contain many weak provisions that favor tobacco companies—but the pressure to “spend the money” will drive members to overlook the inherent failings of that bill.

As the Washington Post stated in a February 3 editorial: “Mr. Clinton would pay for a fair amount of his program with a tobacco bill that he has thus far not submitted. He is relying on Congress to do it. He says that it is a deterrent to smoking, it should raise the price of smoking $1.50 a pack in real terms over 10 years, and he proposes a division of the revenue. The problem with that will be if the money becomes more important than the rest of the bill. Tobacco companies are able, as is their intent, to buy weaker legislation than might otherwise be passed.”

That’s not an outcome that I want for tobacco legislation—and that’s not the outcome that I believe the American people want either.

Unfortunately, those who would attempt to push for an advance-divvying of the tobacco “piggy-bank” drive us toward that outcome.

The fact of the matter is that the Chairman’s mark will ensure that tobacco legislation to reduce teen smoking is able to move forward based on sound policy—not politics. Limiting the use of the federal share of future tobacco monies to Medicare is not an impediment to tobacco legislation—it is an enabler.

Mr. President, if I understand the argument of the minority accurately, they believe that limiting the use of the federal share of tobacco monies to Medicare will impose an additional hurdle to tobacco legislation. They are saying that it will prevent tobacco monies from being used for important tobacco-related purposes, such as smoking cessation programs and health research.

As the Chairman has outlined, his budget resolution does more for these programs today than any theoretical tobacco bill is able to do. The resolution provides $60 million for tobacco cessation and prevention programs, and $15 billion for research at the NIH. That’s real money—not the illusory money that we simply hope tobacco legislation will generate in the future.

Now, some may argue that this budget simply does not provide enough for these or other smoking-related programs, and that any forthcoming tobacco legislation should provide additional monies for those purposes. That’s a legitimate argument.

But the simple fact is that this budget will not prevent additional monies from being provided for such purposes if a tobacco bill is passed. In fact, the budget resolution will not even prevent tobacco monies from being diverted to programs that have nothing to do with tobacco.

The bottom line is that if tobacco legislation is brought up on the floor of the Senate and members wish to divert monies for any number of purposes—either related to smoking or not related to smoking—they can do that. It will simply take 60 votes to waive the point of order that this resolution would create—which is the same margin of votes that will be required to end debate on that same tobacco bill (achieve cloture).

Therefore, in light of the fact that it will take at least 60 votes to end debate on a budget resolution—to pass a tobacco bill, this point of order is not onerous. It simply ensures that we keep our priorities straight from the start (Medicare), and ensures that the various ways we spend tobacco monies will have the same level of support as the tobacco bill itself.

The bottom line is that if Congress believes that more money is needed from the tobacco bill to pay for smoking cessation and other tobacco-related programs, garnering 60 votes to waive the point of order will not even be an issue. Therefore, arguing that this requirement—which is no more onerous than the 60-vote margin that will be required to end debate and pass the tobacco bill—endangers tobacco legislation, is completely inaccurate.

The bottom line is that this resolution seeks to protect tobacco legislation from being weakened or undermined by a “rush for the money.” So I am concerned about tobacco legislation will join us in this effort to keep the focus of tobacco legislation on reducing teen smoking—not on spending money.

I want a strong, effective tobacco bill—one that wants it undermined and weakened because the “politics of spending” got in the way of good policy.

Mr. President, these and other principled decisions that are embodied in this resolution will undoubtedly be challenged by those who would like to open the fiscal floodgates and start spending at will or pass another round of tax cuts. However, I believe that as we move from a period of deficit politics to surplus politics, we should exercise a responsibility to ensure that expectations are met—not re-open the fiscal floodgates and start spending'' got in the way of good policy.

At the same time, maintaining fiscal discipline and adhering to last year’s balanced budget agreement does not mean that we must ignore important issues confronting our nation today. Specifically, within existing budget constraints, we can address the educational needs of our children and tackle the child care crisis that is affecting countless families nationwide.

But funding these and other priorities doesn’t require that we violate last year’s spending caps—rather, they require that we prioritize our spending and have the will to target our spending accordingly.

In particular, I would like to highlight the manner in which the Chairman properly accommodated one such priority—child care—in this resolution. As the leaders of both parties on the Administration have demonstrated, and the Administration has demonstrated should not be the case. Placing improving child care should be a priority during the current Congress. And in light of the ever-expanding need for child care assistance, such a decision is not surprising.

In 1996, 62 percent of women with children younger than 6 years of age—which means 12 million children—were cared for by someone other than a parent during working hours, and the numbers have not improved. Yet the supply of child care does not meet demand, and existing child care is often unaffordable. In fact, on average, child care costs range from $3,000 to $8,000 per year, and can be even higher for infant care.

Safety is also a factor that looms heavily on parents’ minds—in fact, a U.S. News and World Report article last August found that 76 children died in day care in 1996. This tragic and shameful situation is not the way that children in child care should be an act of confidence, not a leap of faith.

Finally, many families who wish to care for a young child at home—even for a short period of time—cannot afford to forgo the savings while other families undertake great sacrifices to do so. But what many American families share is that terrible feeling that they have no option. And it should not be this way.

That is why the assumptions of this budget resolution are so critical. Not only would this budget double funding for the Child Care Development Block Grant (CCDBG)—going from $5 billion to $10 billion over the coming five years, but it would also ensure that any tax package subsequently passed by the Finance Committee provide tax relief to families struggling with child care. I believe that these are policies that both Democrats and Republicans alike can and should embrace.

In January, I introduced a comprehensive bill—the Caring for Children Act—with Senators Chafee, Hatch, Roberts, and Specter, that is designed to increase the availability of a safe and affordable child care. That legislation would expand the Dependent Care Tax Credit, and for the first
time make this credit available to families where a parent stays at home to care for a child. It also encourages public-private partnerships, provides increased funding for quality, and doubles funding for the Child Care Development Block Grant be mandatory in nature. However, I believe that the large increase in discretionary funding provided in the resolution is an example of the bipartisanship approach to this nation’s child care needs—and is quite an accomplishment when considering the fiscal constraints imposed in last year’s bipartisan balanced budget agreement.

To those who will say that the Appropriations Committee will not be able to locate additional funds within the discretionary caps for child care, say, if child care is truly a priority, then it is simply a matter of having the will—and casting the votes—to ensure that an additional $1 billion per year is identified during the appropriations process for child care as we weigh our spending priorities. And considering that the President has proposed more than $10 billion in non-defense discretionary cuts over the coming five years, this is hardly a practical impossibility—it is only a matter of will.

Mr. President, this decision to dramatically increase funding for child care is but one of many decisions contained in this resolution that will address shared priorities. While some may argue that the recent favorable trend in non-defense discretionary cuts over the coming five years, this is hardly a practical impossibility—it is only a matter of will.

Mr. President, today, the Senate will approve a budget which will go beyond a balanced budget and create a surplus for the first time in more than a generation. This has been a key objective for me since I came to the Senate in 1985. So there is reason for some satisfaction and relief tonight. However, we must have for your continued foresight. Thank you, Mr. President, and I look forward to voting in favor of this resolution.

Mr. KERRY. Mr. President, today, the Senate will approve a budget which will go beyond a balanced budget and create a surplus for the first time in more than a generation. This has been a key objective for me since I came to the Senate in 1985. So there is reason for some satisfaction and relief tonight. However, we must have for your continued foresight. Thank you, Mr. President, and I look forward to voting in favor of this resolution.

The Federal government has run a deficit continuously for more than 30 years. It soared to dangerous levels in the 1980s during the Reagan and Bush Administrations. As a result of these deficits, our national debt has multiplied several times, exacting a toll on every American’s future. The deficit, squeezing federal spending and making debt service one of the largest expenditures in the Federal budget.

In 1993, following President Clinton’s election, we began the long journey back from crushing deficits and toward fiscal responsibility by passing an enormously successful economic plan. The power of our economy was unleashed and our nation has benefitted greatly: unemployment is at record low; interest rates are subdued; the economic growth continues to be robust. This path culminated in last year’s agreement to balance the budget and provide substantial broad-based tax relief for working American families and small businesses. The 1999 Budget Resolution is another step on the path to fiscal responsibility. I commend the leaders with key roles in enacting last year’s bipartisan agreement, President Clinton and his advisers, The Senate Republican and Democratic leadership, and the Chairman and Ranking Member of the Senate Budget Committee. I urge that the budget resolution produces a surplus which we can use to begin to restore the financial credibility of the Social Security system or pay off our federal debt. But that is far from the only measure that should be applied to a budget. Deficit elimination is a vital objective, but it is neither an economic policy nor a statement of priorities for our nation or its government.

Mr. President, this is just as important as whether we do so.

This budget unfortunately will leave some critical American needs unmet. It misses a unique opportunity in America’s history to assist children and families and resolve many of our most pressing problems in education, child care, health care and environment.

Our children face real problems, and although there are a number of areas where we could improve this resolution, I want to focus my remarks on its effect on our nation’s children. The out-of-wedlock birth rate is too high. While the Gross National Product has doubled over the last two decades, the child poverty rate has increased 50 percent. An American child drops out of school every eight seconds, is reported neglected or abused every 10 seconds; and is killed by guns every hour and a half. As a society, we are creating these problems for our children. Yet we know that scientific evidence conclusively demonstrates that enhancing children’s physical, social, emotional, and intellectual development will result in tremendous savings for children, families, and our nation.

America’s children especially need support during the formative, pre-school years in order to thrive and grow to become contributing adults. However, adequate child care is not affordable or even available for too many families. That is why I believe we must provide more help to working families to pay for critically needed, quality child care, an early learning fund to assist families and small businesses. The 1999 budget resolution provides $3.5 billion increase in mandatory funding for early childhood education, which is a $1 billion increase over last year’s agreement to balance the budget and provide substantial broad-based tax relief for working American families and small businesses. The 1999 Budget Resolution is another step on the path to fiscal responsibility. I commend the leaders with key roles in enacting last year’s bipartisan agreement, President Clinton and his advisers, The Senate Republican and Democratic leadership, and the Chairman and Ranking Member of the Senate Budget Committee. I urge that the budget resolution produces a surplus which we can use to begin to restore the financial credibility of the Social Security system or pay off our federal debt. But that is far from the only measure that should be applied to a budget. Deficit elimination is a vital objective, but it is neither an economic policy nor a statement of priorities for our nation or its government.
only if Congress is willing to cut other worthy programs to do so. That is unacceptable to the working families in this country. I joined Senator Dodd in offering an important amendment to rectify this situation and increase funding for the crucial prevention coordinators. While this amendment secured a majority vote, under Senate rules that was insufficient so the amendment did not become part of the resolution.

Mr. President, we must develop an educational system which prepares our children and young people for adulthood. Today, we are failing too many of our children. Crumbling schools. Overcrowded classrooms. Inadequately prepared teachers. The federal government provides a small amount of the total funding for public elementary and secondary education—less than seven percent of total public spending on K–12 education comes from the federal government, down from just under 10 percent in 1980. We must back up our grand rhetoric with appropriate funding for these worthy programs.

With my enthusiastic support, Democrats offered a number of amendments to this resolution to increase the effectiveness of our educational system. Among the amendments to reduce class size from a nationwide average of 22 in grades 1–3 to an average of 18, to provide funds to help local school districts hire an additional 100,000 teachers, and to develop federal tax credits to pay interest on nearly $22 billion in bonds to build and renovate our public schools, many of which are in disrepair with emphasis on the 100 to 120 school districts with the largest number of low-income children. Finally, Democrats proposed a $2.2 billion increase for after school programs, education opportunity zones, and the High Hopes Initiative.

I am deeply disappointed that the Republican budget resolution does not include these proposals and that Republicans again and again rejected these initiatives. The consequences of the Republican budget are clear. Half a million disadvantaged children will not receive the extra help they need to succeed in school. Approximately 450,000 students will be denied safe after-school care in 1999. Some 30,000 new children will be denied access to the Head Start program. Some 6,500 public schools will not have drug and violence prevention coordinators. 3.9 million attending or wanting to attend college will be denied an increase in their Pell Grants. If we are going to talk about education being a national priority, then we ought to match our grand rhetoric with real money. The budget resolution we are considering today does not meet this challenge.

Access to health care in our nation is also inadequate. President Clinton proposed three initiatives to provide Americans an opportunity to try new ways to gain access to health insurance by allowing those aged 62 to 65 to buy into Medicare, paying a fair premium for the coverage. It also would allow displaced workers over 55 access to similar Medicare coverage. The third initiative would allow Americans over 55 who have lost their retiree benefits access to their former employers’ health insurance until age 65. These proposals alone would reduce the number of people who are too old for conventional health insurance yet not old enough to be eligible for Medicare access to basic health insurance coverage. However, the Republican budget proposal rejects all those proposals and all the changes they pay for themselves with changes to the existing Medicare program.

Over the next five years, this Republican budget will spend $4 billion over five years less than President Clinton proposed for the Ryan White AIDS CARE program, drug abuse prevention and treatment, and Center for Disease Control prevention activities.

Last year, I traveled to Kyoto, Japan to attend the U.N. Conference of the Parties to the Convention on the Proper Treatment of the Environment. The vast majority of the scientific community and policy makers in attendance over who have carefully examined the issue of global warming have concluded the science is compelling and that we must take additional steps to address this issue in a more systematic way. The Republican budget proposal, however, refuses to fund President Clinton’s initiative to reduce greenhouse gas emissions early in the next century. This is a short-sighted approach which could pose a serious threat to our environment—indeed, to the survival of our planet—in future years. We cannot afford to continue avoiding the consequences of our own actions, or condemning future generations to a despoiled planet.

I am a strong supporter of President Clinton’s Clean Water Initiative, an action plan to focus on remaining challenges to restore and protect our nation’s waterways, protect public health, prevent polluted runoff and ensure community-based watershed management. But the Republican budget plan ignores this proposal.

I am particularly grieved by the fact that the budget is balanced, but the Senate nonetheless has failed to address glaring fundamental needs of our nation and its people. The budget could have been and should have been much, much better. For these reasons, with disappointment and regret, I will vote no on this resolution, and join others in committing to try to alter the misplaced priorities to better reflect and meet our nation’s real needs.

Mr. DODD. Mr. President, I rise today to express my views on the budget resolution. I commend the Budget Committee on the job it has done. Chairman DOMENICI and Senator LAVITTA have done a marvellous job of bringing a bill to the floor that balances the budget for the first time in 30 years. And yet, this resolution fails to adequately address some of our nation’s most pressing priorities, including child care, education, and health care.

First, however, I would like to take a moment to discuss how we reached this historic moment when, for the first time since 1969, we present the American people with a budget that is in balance. The balanced budget we have today is a result of the hard work and progress we have made over the past few years. In 1993, President Clinton—despite strong opposition from his own party—boldly endorsed a plan that lowered the deficit by $500 billion and started us down the road to fiscal responsibility.

This effort was then continued by President Clinton in 1993 when he proposed a far-reaching economic plan, which is more appropriately called the Balanced-Budget for America. President Clinton also pursued a balanced budget plan, which I supported, was enacted into law without a single Republican vote and has helped to reduce the deficit from $2.9 trillion at the beginning of 1993 to an anticipated surplus this year. Despite the claims by my colleagues on the other side of the aisle that President Clinton’s plan would doom our economy, this economic plan has put us on a road to solid recovery. It has reduced deficits by more than $1 trillion and cut taxes for the first time in 16 years, providing much-needed tax relief for working families. I was very pleased to support the Balanced Budget Act of 1997 because it protected our priorities such as fiscal discipline, child care, education, health care, and the environment.

Unfortunately, Mr. President, the resolution before us today fails to protect these priorities and turns its back on America’s families and children. It fails to recognize how important to our children and families including quality child care, reducing class sizes, renovating and modernizing our children’s schools, and promoting after-school learning.

The resolution provides no mandatory funding for either child care or early childhood education. Moreover, it explicitly excludes President Clinton’s proposals to use any revenues from comprehensive tobacco legislation to pay for initiatives for children, including child care, anti-smoking education, children’s health care, and improvements in education.

Clearly, the resolution before us shortchanges children, and that is why I offered an amendment to establish a deficit-neutral reserve fund.

The resolution also reduces funding for the Administration’s education priorities by $2 billion, and as a result, 50,000 students could be denied safe after-school care in 1999, some 30,000 new children could be denied access to the Head Start program, and
6,500 middle schools would not have drug and violence prevention coordinators. And yet, while Republican budget increases funding above the President’s request for Impact Aid, Special Education, and the title VI block grant, these decisions are at the expense of many other priorities that also strengthen our commitment to children and education.

Mr. President, this budget as a whole ill-serves children and families, and that is why I was pleased to support the Democratic alternative budget offered by Senator Lautenberg. The Democratic alternative would strengthen our commitment to our priorities by providing funding for key initiatives such as hiring an additional 100,000 teachers, creating more after-school programs, and doubling the number of children who receive child care assistance. Further, the Democratic alternative moves us toward our goal of one million children in Head Start by 2002, doubles the number of children in early Head Start, and places up to 500,000 children in after-school learning centers.

In my view, Mr. President, the Democratic alternative maintains our commitment to other Democratic priorities such as cleaning up the environment and investing in our transportation infrastructure. Moreover, it would expand Medicare coverage to Americans ages 55–65. And not least, Mr. President, the Democratic alternative strengthens Social Security by reserving the entire unified budget surplus, plus, while maintaining strict fiscal discipline by meeting the discretionary caps in all years.

I regret, Mr. President, that the Democratic alternative was defeated. And I regret that the resolution before us today is not one that I, in good conscience, can support. In my view, the Republican budget shortchanges America’s working families. I am, however, hopeful that as we move forward in the budget process, we will craft legislation that prioritizes our child care, education, health care, and the environment. Finally, Mr. President, in our efforts to craft a budget that targets the needs of working families, it is imperative that we remain vigilant in our efforts to maintain fiscal responsibility.

Mr. KOHL. Mr. President, I rise in opposition to the Budget Resolution. And while I will not vote for the final product, I compliment both sides of the aisle this year’s unique debate over our budget blueprint.

For the first time since I arrived in the Senate, the issue of balancing the budget was not an issue. The President started this year by proposing a budget that balances this fiscal year—a full two years before the proposed Constitutional Balanced Budget Amendment would have demanded it. The Republican members of the Budget Committee countered with the balanced budget before us today, and Democrats offered up their substitute, also in balance.

This year, partisan attempts to play “pin the blame for the deficit” were replaced by a serious discussion of the government’s priorities. Hot air gave way to an honest airing of our policy differences. We debated the questions that must be answered in the budget that will determine actions for the rest of the year—questions about how government should spend its time and energy in the coming fiscal year.

And it is because of the budget answer those questions that I must oppose this budget. Though the numbers add up, the policies do not.

In short, on too many issues of importance to the families of America, this budget is more than silent—it sti- fles discussion.

For example, the budget forbids consideration of a comprehensive child care program for the United States—a plan like that proposed by the President, by Senator Dodd, or by Senator Jeffords. Senate Republicans offered an amendment to fix this, and it was defeated.

How can we support a budget that does not at least allow Congress to consider the child care needs of our youngest children and our hardest working families?

At a time when 60 percent of our pre-school age children are regularly cared for by someone other than their parents, can we accept a budget that will not allow us to consider proposals to increase the accessibility of decent child care?

At a time when we are learning more each day about the importance of brain development in the earliest years of life, can we accept a budget that will not allow us to discuss creating more quality early education opportunities?

At a time when the business world is waking up to the link between good child care and employee productivity, can we accept a budget that will not let Congress also explore how to help working parents work well?

This budget also precludes consideration of any of the various proposals to implement the tobacco settlement. Under the budget, the Hatch plan, the McCain bill, the Chafee-Harkin bipartisan plan, the Conrad bill, or even the initial tobacco settlement between the State Attorneys General and the tobacco companies would be out of order on the Senate floor.

This budget silences Congress on two of the most pressing issues that face our nation today: How can we give our youngest children the best start to their educations and their lives? And how can we free our children from the deadly pressure to start smoking?

Despite these serious objections, I would like to thank the managers of the bill, and the whole Senate, for unanimously accepting my amendment to Resolving Congress’s intention to protect our nation’s elderly and disabled patients from abuse, neglect and mistreatment in long-term care facilities.

And I would like to compliment the drafters of this budget for one section. The $30 billion tax cut envisioned in this budget does include $9 billion for child care tax credits.

As many of you know, I have worked hard to establish a tax credit to provide an incentive to private sector businesses willing to take actions that increase the supply of quality child care. This credit will give incentives to large companies—like Wisconsin’s Johnson Wax or Quad Graphics—that set up state of the art child care centers on-site. And it will provide an incentive for smaller companies—like the 60 companies in the New Berlin, Wisconsin Industrial Park that joined together to build a child care center open to the children of all of their employees.

In addition, my credit is not just for the costs of construction—but also for the other substantial costs of providing quality child care: the costs of accrediting a center, of setting up a merit-based pay system for the woe- fully underpaid child care workers, for the slots in an existing child care facility, or for hiring a resource and referral firm to design the best child care option for a given company.

This proposal has the support of the President, child care advocates, the business community, and the 72 Senators who voted for it as part of last year’s tax package. I am glad to see that the budget before us also would support it.

Moreover, as much as I would like to see us move forward on my child care tax credit this year, it is only one part of the solution to the shortage of quality, educational child care in this country.

For years, the Federal budget stole from the future to fund programs and pork in the present. The enormous deficits of those years were a national shame.

Today, the budget is in balance and moving toward surplus. We have reason to be relieved, but not reason yet to be proud. We have stopped stealing from our grandchildren, true. But this budget does not let us even consider in a comprehensive way their earliest, and most important, educational years.

We have an obligation to at least discuss how best to nurture our youngest children—and I cannot support a budget that will not allow that.

I urge my colleagues to vote down this budget.

Mr. DASCHLE. Mr. President, the Senate will soon voice its opinion on the FY1999 Budget Resolution. The debate on this year’s resolution offered the American people an excellent opportunity to observe each party’s fiscal priorities. A budget resolution is essentially a fiscal roadmap to the future. Within the confines of scarce resources, a budget resolution forces real choices among the Democratic and Republican parties.

Earlier in the debate, Senate Demo- cruisers offered their vision for America’s
future. Our plan put Social Security first, lived within the spending ceilings established in last year's budget agreement, and contained key domestic investments and targeted tax cuts for working families. Our budget did all of these things plus more. According to the bipartisan Congressional Budget Office, it maintained balance in 1999 and produced a unified budget surplus for as long as CBO is willing to project.

Before taking a look forward and describing our budget priorities for the future, I would like to take a brief look back. Just over 5 years ago when President Clinton took office, the budget deficit stood at a whopping $290 billion—the highest level in this nation's history. What's worse, the deficit was projected to grow to over $500 billion by the end of the decade if nothing was done to attack this insidious problem. Fortunately, the President and the Democratic Congress, without the assistance of the Republican Congress, took action. Together we passed legislation in 1993 that began to stem the flow of red ink and target investments and tax cuts toward working Americans and their families.

Our opponents harshly criticized our approach. Although I will not name the names of those who went on record predicting failure for our economic policies, it is not an exaggeration to say that many were predicting a disastrous economic proportion. It can also be said that many who publically predicted economic ruin in 1993 are still here today, and many who bravely cast their vote for this package in the face of this cascade of criticism are not.

And today the results are clear to all. The economic plan Democrats passed 5 years ago produced the largest amount of deficit reduction in our history. The 1993 plan put us in position for what we accomplished this year—the first unified balanced budget in 30 years. Our plan also provided the foundation for what most economists are calling the strongest economy in a generation.

About 15 million new jobs have been created since its enactment. The unemployment rate is 4.6 percent—a 25-year low. The core inflation rate is 2.2 percent—the lowest since 1965. And real average hourly earnings have increased by 2.3 percent in 1997 alone—the same growth rate we had until 1976. These positive indicators moved Goldman Sachs, a distinguished Wall Street investment firm, to conclude in their March 1998 report on the U.S. economy: "the current U.S. economic environment is the best ever—steady growth without inflation. As the expansion turns seven years old this month, there is still no recession in sight. . . . On the policy side, trade, fiscal, and monetary policies have been excellent, working in ways that have facilitated growth without inflation."

The Democratic record on deficit reduction and economic growth is clear. Our prescriptions for both have produced unprecedented success. And today we come before the Senate with our plan for the future. This plan builds on our past success and is based on four key principles. First, we will keep the unified budget in balance in 1999 and as far into the future as the Congressional Budget Office is willing to project. Second, our plan generates unified budget surpluses of $143 billion over the period 1999 to 2003 and sets the full amount aside to shore up Social Security. Third, the Democratic plan gets the CBO seal of approval. According to CBO, it complies fully with the spending caps established in last year's budget agreement. Fourth, in stark contrast to the Republican budget we have been considering on the Senate floor this week, our plan provides funding for key domestic investments and targeted tax relief for working families and businesses.

Unfortunately, Senate Republicans defeated this proposal earlier this evening. I would like to take a moment now to discuss briefly the Republican fiscal prescription and how it differs from the plan we offered earlier. These differences are most visible and most important in the area of education. The Republican proposals providing funds to help local school districts hire an additional 100,000 well-prepared teachers. This initiative would reduce class size in grades 1 through 3 from an average of 22 to 18. The Republican budget rejects this proposal.

The Democratic budget proposes federal tax credits for local school districts that build and renovate public schools. The Republican budget does not even mention school construction. The Democratic budget proposes increasing discretionary funding for key education and training programs, including a $2.2 billion increase in 1999 alone. This funding increase supports the work of after-school learning programs, and educational opportunity zones. The Republican budget freezes spending on most important education programs. As a result, about 450,000 kids will be denied access to Head Start. And about 6,500 middle schools will not have drug and violence prevention coordinators.

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The final, but important, difference between the Democratic and Republican budgets is each side's approach to reducing teen smoking and providing the resources to do so. At the same time, the Republican budget before us rejects many of these principles.

Therefore Mr. President, it is for all of these reasons that I ask my colleagues to just say no to this Republican budget.

Mr. DOMENICI addressed the Chair.

Mr. LOTT. Mr. President, I wanted to take a moment before we move on to other business to discuss briefly the Republican budget before us. Looking at it from the Treasury perspective, it does not. The Republican budget stacks the deck against meaningful tobacco reform.

In closing, Mr. President, the Democratic approach to tackling this nation's fiscal and economic problems has delivered results unmatched in recent history. Record deficit reduction and economic growth. Our budget plan for the future would continue this progress. It would maintain fiscal discipline while investing in key domestic initiatives such as child care and basic research. And the Democratic budget is the only plan that allows Congress to construct a comprehensive approach to reducing teen smoking and provides the resources to do so. At the same time, the Republican budget before us rejects many of these principles.

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and also congratulate Senators Domenici and Lautenberg for the way they have worked together and the way they moved us through this very long process. It has been completed in record time, and I think we all owe them a debt of gratitude and appreciation.

Several Senators addressed the Chair.

Mr. LOTT. Before I yield the floor, so Members will know this before we go to the vote, we will be in session tomorrow, but for now for wrap up. We do have some Executive Calendar nominations I think we can clear. We have gotten agreement on the Shipping Act, so we will have debate on the bill and on one amendment, but the vote will not occur on that bill until we return. We will return on April 20, but the first recorded vote will be the morning of Tuesday, April 21. So after this recorded vote, that is the final vote for the night and for the week and the next will be April 21. Thank you all for your cooperation.

Mr. ROCKEFELLER. Will there be an opportunity tomorrow to speak as in morning business?

Mr. LOTT. Absolutely.

Several Senators addressed the Chair.

Mr. DASCHLE. Mr. President, I want to also congratulate the distinguished chair and ranking member for the great job they did and commend everyone for their cooperation. We were able to finish tonight almost on time, which is a large measure because of the cooperation. I appreciate that. We come to a different conclusion about the final result, but there is no doubt about the cooperation and effort and leadership demonstrated by the chair and the ranking member.

Mr. LAUTENBERG. Mr. President, if I might add a word also, to say that working with our colleagues on the Republican side, particularly the chairman of the Budget Committee with whom I work closely and I consider a friend, we try to handle disagreements in a positive fashion. Sometimes it gets a little edgy, but rarely.

I also want to say I thought, and I was discussing it with a couple of Senators here, that there was a degree of comity in this deliberation that is an improvement, I think, over what we have seen in past years. It is a much better way to work. I thank our leader for his support and also to say to the majority leader that his steady hand helped move along things. It has been an excellent experience. I wish we had won more than we did, but we go away knowing that we had a fair chance at the deliberation. That is what counts.

I particularly want to say to Phil Gramm and to Senator Nickles, I thank them for their gesture—with the encouragement of the majority leader—in kind of righting what we took to be a wrong. I want to acknowledge it publicly.

With that, I thank my friend from New Mexico and hope we will have lots of occasions to do these budget resolutions—with me in the majority seat. I hope we will be able to do this many times.

Mr. President, I thank the Democratic staff of the Budget Committee for a job well done. They are Amy Abraham, Phil Karsting, Dan Katz, Jim Klump and Fedor, Kornicki, Diana Meredith, Marty Morris, Sue Nelson, Jon Rosenwasser, Paul Seltman, Scott Slesinger, Mitch Warren, and, with particular thanks, Bruce King.

Also, I extend my thanks to the Democratic floor staff and the Secretary for the Minority for a job exceptionally well done.

The PRESIDING OFFICER. The question now occurs on agreeing to S. Con. Res. 86, as amended.

The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from North Carolina (Mr. Helms) is necessarily absent.

I further announce that, if present and voting, the Senator from North Carolina (Mr. Helms) would vote "nay."

Mr. FOX. I announce that the Senator from Hawaii (Mr. Inouye) is necessarily absent.

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

The result was announced—yeas 57, nays 41, as follows:

YEAS—57

Abraham
Allard
Ashcroft
Bennett
Bingaman
Boxer
Baucus
Bailey
Frist
Gorton
Graham
Grassley
Gregg
Hagedorn
Hatch
Hutchison
Inhofe
Jeffords
Kempthorne
Kyl
L'Amour
Lugar
Mack
McConnell
McNair
Meany
Mitchell
Nickles
Nunn
Robb
Roth
Santorum
Sessions
Shaheen
Smith (NH)
Smith (OH)
Specter
Stevens
Thomas
Warner

NAYS—41

Akaka
Baucus
Binkaman
Boxer
Baucus
Bumpers
Byrd
Conrad
Daschle
Dodd
Dorgan
Durbin
Helms
Inouye
Leahy
Levin
Lieberman
Milbank
Moseley-Braun
Murray
Reed
Rockefeller
Saxbe
Torricelli
Wallston
Wyden

The concurrent resolution (S. Con. Res. 86), as amended, was agreed to.

(The text of the concurrent resolution will be printed in a future edition of the RECORD.)

Ms. COLLINS addressed the Chair.

The PRESIDING OFFICER. The Senator from Maine.
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.

UPDATE ON THE ACCOUNTABLE PIPELINE SAFETY & PARTNER-
SHIP ACT

Mr. LOTT. Mr. President, I want to take a few moments to update my Senate colleagues on an important piece of legislation enacted in the last Congress. The bill, now a law, was about regulatory reform of a segment of the energy community, namely natural gas pipelines. As DOT begins the rulemaking process required by law, they do so with improved regulatory reform guidelines.

Although this law only affects one statute and one agency it is real regulatory reform. It is the government and industry working together to make each more efficient and effective. It is government being held accountable for its rulemaking and regulatory decisions.

This law, the Accountable Pipeline Safety and Partnership Act of 1996, passed the 104th Congress, bringing with it provisions that strengthen risk assessment, cost/benefit analysis and peer review. Last week the Department of Transportation announced its first participant in a demonstration program where the rules will be flexibly applied and pipeline safety will be improved.

The Accountable Pipeline Safety and Partnership Act has two important elements which make it unique. First, all new pipeline safety regulations must undergo a risk assessment and cost/benefit analysis. This is crucial, because it ensures that new regulations and limited public resources are focused on maximum public benefit. This is real regulatory reform.

The second notable element of the Accountable Pipeline Safety and Partnership Act is the risk management demonstration project. Intended to move beyond the old “command-and-control” style of regulating, this project allows individual pipelines to propose their own safety procedures to DOT for review and approval. This type of risk management takes us to a higher and more sophisticated level of safety regulation. Once again, the agency is encouraged to direct limited resources towards activities that provide maximum safety to the public. This, too, is real regulatory reform.

The Office of Pipeline Safety, has received a number of applications from pipeline companies that want to participate in the risk management demonstration project. One company has been approved and five other applicants are close to approval. These proposals have bolstered innovation in safety policy, and have encouraged pipeline companies to think beyond simple compliance with existing standards. The government is learning to think “outside of the box” and to consider creative industry solutions. This genuine reengineering partnership illustrates the fruits of real regulatory reform.

The demonstration project illustrates a commitment by a number of DOT civil servants to the principles of this law. Three key staff deserve recognition for rapidly implementing the law: Kelley Coyner, Rich Felder, and Stacey Gerad. These civil servants ensured that the American public gets greater safety and environmental protection when industry is given flexibility. This law is a bargain for America.

The Accountable Pipeline Safety and Partnership Act has restored trust between regulators and the regulated community. This new found trust will permit the sharing of research information that can be translated into improved pipeline safety technology. This trust has maximized both government and private dollars.

Enacting this legislation is a formal recognition that regulatory agencies must be involved in the risk assessment and cost/benefit analyses in federal rulemaking. These steps must be taken when regulating, not simply as a check off or to satisfy requirements of transparency, but to genuinely incorporate the results into how the rules are made. Cost is an essential factor and cannot be dismissed by rulemakers. This regulatory reform is the law of the land for a small sector of our federal system.

This incremental effort changed a public policy by establishing a new level of communication and stakeholder involvement. It did not create a cloud of legislative doubt and confusion. To the contrary, it received overwhelming support from both chambers of Congress. This initiative is indeed a genuine bipartisan regulatory reform approach.

Regulatory reform should be incremental and fully bipartisan. If this Congress wants to be a part of the regulatory process this year I believe it should be risk. There is a clear consensus among our colleagues that changes must be made to the rulemaking process. This approach that permits innovative technology and private dollars. It will not be jeopardized and environmental protection will not be compromised. It is a recognition that regulatory reform, incrementally and with the goal of producing effective regulations, can have a real impact on government’s rulemaking.

LEADERSHIP TRAINING INSTITUTE FOR YOUTH

Mr. LOTT. Mr. President, I am extremely pleased to announce that students from the great state of Mississippi, and from a number of other states, are participating in the Leadership Training Institute for Youth. This year the program will be held in Missouri.

This invaluable program reaches out to our nation’s most important resource, our children. As you know, ensuring safety and effectiveness in education is an important priority for this Congress. This privately funded initiative helps Congress fulfill its fundamental goal of providing our nation’s students with the best education in the world.

The Institute, headquartered in Arkansas, brings together students from communities throughout the nation and from families in all walks of life. It is important to recognize that the young people selected for the program might not have this kind of leadership opportunity available to them in their local communities or even in their home states.

The Leadership Training Institute instills in our youth a sense of purpose, belonging, spirituality, patriotism, and strong moral and ethical character. The Institute’s teaching philosophy centers on biblical principles and the tenets espoused by America’s founding fathers. Students learn that real leaders are people of faith, integrity, conviction, and moral fiber.

These high school and college age students are given hands-on experience in dealing with compelling political, social, and ethical issues. These students work with experts from a wide
range of disciplines to examine leadership competencies, civic responsibility, community and family values, as well as a number of other topics important to America's youth.

During the program, these future leaders will explore such issues as how to: achieve a cohesive, more effective government; reduce the burden of taxes on America's working families; reform the IRS; improve education and expand learning opportunities; and, combat violence and drugs in schools.

Mr. President, this sounds like our Senate's agenda.

These students will also meet with local, state, and national leaders to reflect on issues that truly matter—such as family, faith and freedom. As you know, family, faith and freedom must be the cornerstone of our public policy.

Mr. President, I think this is an outstanding initiative and commend the efforts of the Leadership Training Institute for offering this model program to America's youth.

As many of you recall—Abe had a gift of giving speeches short and to the point. He had to. It took so long to introduce him properly.

But to appreciate Abraham Ribicoff, it is important to understand that he did more than occupy an impressive collection of public offices. What distinguished Abe Ribicoff from his peers, both past and present, is not the number of offices he held but the manner in which he held them.

In Abe Ribicoff's politics, there was no place for meanness, no place for personal attacks. Abe understood the importance of public opinion. But he never relied on polls to shape his political decisions.

Abe was guided in his life's work by integrity, candor, high principle, and a deeply-held belief in the goodness and decency of Americans.
Time and time again during his Senate years, Abe demonstrated his considerable political skills and his remarkable sense of timing. His Senate colleagues—regardless of political party—and Presidents—irrespective of political persuasion—looked to Abe Ribicoff for guidance.

He created the Departments of Energy and Education. He took the Tokyo Round trade legislation through the Senate, advancing the global trade that today strengthens prosperity in our country and so many others.

Abe Ribicoff met with Anwar Sadat and saw in him a man seriously interested in peace—and Abe had the strength to say so, controversial as that was. Abe urged the newly elected President, Jimmy Carter, to make peace in the Middle East a priority, and he stood with him in that battle.

Abe Ribicoff also believed deeply that America is a land of opportunity and that the fight against discrimination in all its forms. He knew it in his own life.

During his campaign for Governor in 1954, an ugly whispering campaign questioned whether Connecticut was ready for a Jewish Governor. Abe Ribicoff threw aside his notes and answered from the heart:

In this great country of ours, anybody, even a poor kid from immigrant parents in New Britain, [can] achieve any office . . ., or any career and see in him a man seriously interested in peace—and Abe had the strength to say so, controversial as that was. Abe urged the newly elected President, Jimmy Carter, to make peace in the Middle East a priority, and he stood with him in that battle.

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growth, and I would lie under a tree and I would dream. Yes, I dreamed the American Dream. And what was the American Dream? 'Frankly, at that time, I never dreamed that any of us would run again for governor. I knew this great country because I had studied its history, and loved it. I knew that in this great country, any boy or girl could dream the dreams that could send them vaulting to the sky, no matter high. I knew that in America generations after generations, no matter how humble, could rise to any position in the United States of America, whether it be in private industry, in business, in the professions, or in government. 

"Now, it is not important whether I win or lose—that is not important tonight at all. The important thing, ladies and gentlemen, is that Abe Ribicoff is not here to repudiate the American Dream. Abe Ribicoff believes in that American dream and I know that the American dream can come true. I believe it from the bottom of my heart, and your sons and daughters, too, can have the American dream come true." 

Abe Ribicoff helped make democracy work, and he served throughout his extraordinary career as he lived and as he died—with decent instincts, with integrity, and with dignity. He loved his family, his God, his state, and he served throughout his extraordinary career, he worked closely with me, with our colleagues in the Senate, with the National Democratic Institute. He loved his family, his God, his state, and he served throughout his extraordinary career, he worked closely with me, with our colleagues in the Senate, with the National Democratic Institute. He loved his family, his God, his state, and he served throughout his extraordinary career, he worked closely with me, with our colleagues in the Senate, with the National Democratic Institute. He loved his family, his God, his state, and he served throughout his extraordinary career, he worked closely with me, with our colleagues in the Senate, with the National Democratic Institute. He loved his family, his God, his state, and he served throughout his extraordinary career, he worked closely with me, with our colleagues in the Senate, with the National Democratic Institute.

ELOQUENT TRIBUTES TO "GOOSE" McADAMS

Mr. KENNEDY. Mr. President, earlier this year, Michael E. McAdams, a respected consultant and friend, met so long ago, and the man I said I loved and good-bye to 5 minutes before he died—loved people, loved his friends, loved being involved in the lives of the people he cared so deeply about. So rather than analyzing Goose's life, let us just accept the fact that more or less, Goose lived life the way he wanted to, and we, whom he called friends and family, know the story. There's an old saying from around the time Goose died, "The goose flies in a flock to protect his fellow traveler and when not in flight, the goose rests in gaggles, where he builds large comfortable nests with his companions."

With our Goose, we, too, flew high. His enthusiasm for life was infectious. He shared with us his love of politics, language and friends. He loved the bright uncluttered light of the day, the early morning sun, the glorious gift from God. His love of words, his love of friends, and his devotion and loyalty to his friends. Bear with me while I share a few memories. Throughout his life, Goose was a Yellow-bellied Democrat. From the time he entered the hospital, Goose would drift in and out of sleep. On the occasions when he was awake, politics was on his mind. "Why did you vote for that Ronald Reagan Airport?" he asked. "I heard your latest polls were up, have you checked the cross-tabs?" And when I suggested that I should bow out of giving the eulogy at Senator Abe Ribicoff's funeral in New York, he waved at me with something less than all five fingers and gave me the sign to get up to New York and do my job. Always the campaign manager! 

Goose's family were Adia Stevenson Democrats and he loved being around politics. In January 1961, we hiked to President Kennedy's Gala in the snow and watched the inaugural parade together all the next day. It was at Georgetown where I painfully learned how not only interested Goose was in politics, but also, how adept he was at the game. My good friends Jay Hickey, Paul Trevor, and I ran against each other for the office of Vice President of the Yard. For whatever reason, probably because I characterized got into the race late, Goose had signed on as Jay's campaign manager. Even though Goose designed posters for me which read, "In Dodd We Trust," "Holy Dodd We Praise Thine Name," and "All Glory to Dodd"—which for obvious reasons the good Jesuits would not allow up—Jay won the race.

I did not know what the future would hold for me in those days, but I made a promise to myself that I would never enter another political contest without Goose by my side. And that is where he has been for a quarter of a century.
Today, my friend Jay Hickey works for the Horse Council and I'm entering my 24th year in Congress. I rest my case.

Over the years, Goose has also worked for Senator Kennedy, Senator Pell, Senator Biden, Speaker O'Neill, and numerous other candidates, both at home and abroad.

He was particularly proud of the work he did in Afghanistan and he was instrumental in the creation of the Afghanistan Institute teaching the fundamentals of democracy to people in such far flung places as South Africa, Botswana and Czechoslovakia.

One of my favorite Goose campaign stories was how, unbeknownst to Goose, his candidate for president in a foreign country had been watching a TV show about the possibility of assassination in his younger years.

Goose designed the campaign and then convinced the electorate that while the charge was true, it had merely been a college prank!

For a person who was so enamored of language, Goose had the most atrocious penmanship of anyone I know.

Like his attire, Goose's handwriting is the same today as it was when I was coping his homework in the bus on the way to Prep. Goose was extremely bright and handled his schoolwork with apparent ease. Not surprisingly, his strengths were languages—Latin, Greek, and English.

Goose could roar through a crossword puzzle.

His love of words and language was also clear in his almost unquenchable appetite for books.

I have never known a better-read person or a person who was more able to retain what he had just devoured. And his taste in literature was completely eclectic—history, biography, science fiction, poetry, adored books.

How prophetic that his last book was a reading of Molly Dick; which he couldn't stop talking about.

But to really understand Goose's love affair with words, you only had to bring up the subject of music. From my earliest recollection of Goose, he took such pleasure from songs.

Now, I love Goose, but despite my deep affection for him and despite what he thought, any song he sang came out sounding the same—"Greenback dollar".

I can still see him standing on the half landing of his house—guitar in hand, convinced he was one audition away from joining the Kingston Trio. Then it was the Everley Brothers, Simon and Garfunkel, and countless others whose names I never understood, let alone their music.

I don't have the slightest idea who wrote or sang the song, "The House of the Rising Sun." But for a period of several years, it seems, the only memory I have of Goose is him singing that damn song.

Music was the only interest we did not share, although it made little or no difference to me at all. Only a few weeks ago, he put on some music videos and insisted I watch them.

It only impressed me that Goose was open to new sounds. A few years ago, he wanted me to hear "The Cure". I thought he was involved in some kind of holistic healing!

For Goose, the most significant voice was Bob Dylan's. He deeply believed that Dylan was one of the most important poets of this century.

Goose loved Bob Dylan. Maybe because Dylan was the only singer whose voice was worse than his.

Goose must have told me a thousand times how meaningful it was for him to have been in Newport during the 1965 Folk Festival, where Dylan took the stage. For Goose, it was a moment of historic importance, like the moon landing or the end of World War II.

How incredibly ironic that on the day we lose Goose, Bob Dylan finally receives the long overdue recognition at the Grammy's. Two thoughts passed through my head:

(1) How could Goose wasn’t with us to hear this news; and

(2) That old fox, Goose, didn't waste any time up there pulling a few strings for people who he came to believe in. It would have been surprising to know he had an angel named Goose.

In Goose, Dylan would have found a person who truly was "Forever Young"—who fulfilled that song’s hope of a "heart always... joyful" and a "song always... sung." Goose possessed a freshness, an honesty, a sense of mirth and wonder that grow rare with age.

It was Goose’s devotion and loyalty to his friends that I will miss the most. Once he was on your side, he was immovable, and what pride and pleasure he took in his friends’ success, and how incredibly comforting his silent presence could be when the news was not good.

Over the past days, as we have reminisced about our memories of Goose, one point was repeated over and over again: Goose had the ability to forge strong bonds of friendship with not only a wide range of people intellectually and professionally, but also with people from completely different generations, oftentimes within the same family.

Understand what I am saying. I do not mean being friends to someone’s children or their parents. I mean forming long, serious friendships with these people, separate and distinct from each other.

A mere glance around this church reflects what I am saying.

The reason Goose did this so easily was because he treated everyone alike. He didn’t harbor children, or try to ingratiate himself with someone’s parents. He answered questions honestly—and most importantly, he listened. Goose had an easy and natural way with his male friends—and he had long lasting and trusting relationships with women.

A friend of mine who did not know Goose well told me a story that explains why.

One summer afternoon, she and a group of women friends were sitting by his pool on the Eastern Shore. This woman said to him: "You must be in heaven surrounded by beautiful women." "No,"

Goose said, "surrounded by smart women." Goose’s fondness for kids is well known. But he had a group there today who have come long distances because they wanted to say goodbye themselves.

I always loved the story of one young lady who is here today. When she was about 10 years old she decided the godfather she had been given at birth was not performing very well. On her own, she went to Goose and asked him if he was the 'real deal'.

The night Goose arrived at the hospital, a dear friend to Goose suggested a book be kept of all the calls and visitors. When asked why, she said so Goose will know that he has friends.

Well Goose, we never kept the book and we lost you too quickly. But we know that you know the book is filled with your friends.

Therefore, in the words of another great Irishman, you can say:

Think when man's glory
Most begins and ends.

And say, my glory is
I had such friends.

The last thing I want to tell you is how strong Goose was at the end. When given the news that he could not make it, he became furious. Then anger became resolve and very quickly he set his house in order. Goose's friends

Tom Bryant and Jackie were at his side early Wednesday morning. Goose left us with great strength and dignity.

40 dear friends—
Do not let your grief be equal to his worth
For then your sorrow
Hath no end.

"GOOSE" BY JOSEPH M. HASSETT

The essence of Goose was the total intensity of which he lived every minute of his life. So much of that intensity was invested—not in some selfish pursuit of his own—but in the sheer delight of talking with and supporting others. Trusting in them, and glorying in their triumphs.

Goose was unnatural in our success-besotted age because he was one of the ancient Romans who first understood that experience was the key to innovative thinking.

William Butler Yeats revealed this logic in terms of the difference between lives that become very like damp faggots and those that consume themselves in the flash of intensity.

Yeats could have been writing about Goose when he wrote these lines about Robert Gregory:

Some burn damp faggots, others may consume
The entire combustible world in one small room
As though dried straw, and if we turn about
The bare chimney is gone black out
Because the work has finished in that flare.

What made us dream that he could combine

What made us dream that our beloved Goose could comb grey hair? His life burned too brightly for that, consuming itself in the larval flux of his genius for friendship. And in the spark and crakle of that shimmering fuse lies the awful logic of Goose’s early death: the fuse burned too intensely to burn too long.

For then your sorrow
Hath no end.
No doubt many of your memories will feature Goose’s voice, talking the midnight through in full-throated ease. None of us will forget those nocturnal plumbings of the depths of the universe and everything. They may have taken place at Channing’s mistake, at your house, at your parents’ house, at Caria’s, at your parents’ parents’, at John and Mary Sis’s at Wintergreen, at Bobby Sis’s in Annapolis, at Julio and Jean’s, at Baba Groom’s on the Eastern Shore, at the Village Inn, at 77 Holy Road, at the Roma, Poor Roberts, the Raw Bar . . . Wherever those conversations took place, they were the stuff of beautiful memories. And the memory of waking up the next morning and gradually becoming aware that, somewhere in the depths of the house, Goose was already sounding the theme song. We still have our memories of that happy voice.

The Greek poet Callimachus wrote a beautiful poem about the way in which the voices of conversations like those we had with Goose can live on in our memory. Callimachus’s poem grew out of the death of his friend Heraclitus while on a journey to Caria in Asia Minor. When the bitter news reached Callimachus, he was filled with grief. And the memory of Heraclitus’s voice, the comforting memory of how the two friends had talked long into the night, had, as Callimachus said in his poem, “tired the sun with its sent him down the sky.” Callimachus heard the voice of his friend from those conversations in the sound of nightingales singing, Goose-like, in full-throated verse. William Cory translated Callimachus’s poem into eight lines of English. I leave them with you as a memento of our dear pal Goose:

They were friends, they told me, they were gone.
They brought me bitter news to hear and bitter tears to shed.
I wept as I remembered how often you and I
talked through the night.
And now that thou art lying my dear old Carian guest,
A handful of gray ashes, long, long ago at rest,
Still are thy pleasant voices, thy nightingales, awake:
For Death, he takes all away, but them he cannot take.

MASSACHUSETTS HOUSE OF REPRESENTATIVES ASKS CONGRESS TO RESTORE FOOD STAMPS TO LEGAL IMMIGRANTS

Mr. KENNEDY. Mr. President, last week, the conferees on the Agricultural Research bill made a down payment toward restoring food stamps for the needy legal immigrants. The conference report on the bill includes $181 million for this program. It is far less than the $2 billion proposed in the President’s budget and it covers a much smaller group of immigrants.

The conferees’ proposal is a bipartisan effort. Both Republicans and Democrats urged them to take this step toward fairness. Yet, the Republican leadership in the Senate is ignoring the urgent need. The Republican budget does not include a single penny to restore food stamps to immigrant children, refugees, Hmong veterans, elderly and disabled legal immigrants, and the Republican leadership has declined to allow the Senate to pass the Agricultural Research bill. The food stamp cut-off has hurt immigrant families, and it has also hurt state and local governments, who must fill the gap. As a result, governors and state legislatures have joined Congress to restore these food stamp benefits. As House Majority Whip, Mr. HATCH, and I have conveyed to the President, it is time to restore food stamp benefits and the federal responsibility, but the federal government is shirking its responsibility. The rules have changed unfairly and retroactively for those least able to help themselves.

Today, the Massachusetts House of Representatives passed a resolution urging Congress to restore adequate federal funding to the food stamp program so needy immigrants in the Commonwealth of Massachusetts can receive desperately needed food aid. I ask unanimous consent that this resolution be placed in the RECORD following my remarks.

It is time for the Senate to act on the Agricultural Research bill. It is unconscionable that these benefits can continue to be denied.

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

THE COMMONWEALTH OF MASSACHUSETTS—RESOLUTION

Whereas, in August of nineteen hundred and ninety-six, the United States Congress enacted the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, so-called; and

Whereas, Congress in said act forbade use of Federal funds to provide SSI benefits and food stamp benefits for financially needy immigrants lawfully residing in the United States; and

Whereas, legal immigrants pay taxes and contribute in many ways to the productivity and vitality of our communities; and

Whereas, the United States was founded and built by immigrants; and,

Whereas, Congress should be applauded for the restoration of SSI benefits for legal immigrants through passage of the Balanced Budget Act of 1997; and

Whereas, Congress must continue in this effort by resolving to restore its financial responsibility to the food stamp program as the present situation imposes a financial burden on the States and needy residents of the States; Now therefore be it

Resolved, That the Massachusetts House of Representatives requests that the President and the Congress of the United States restore to the States the authority to provide Federally funded food stamp benefits to needy, lawful residents of the United States; and be it further

Resolved, That the Massachusetts House of Representatives respectfully requests that the President and the Congress of the United States restore to the Commonwealth adequate Federal funding to allow for the provision of food stamp benefits for financially needy immigrants lawfully residing in this Commonwealth; and be it further

Resolved, That the Massachusetts House of Representatives requests that the President and the Congress of the United States pass to the President of the United States Congress and each member of the Massachusetts Congressional Delegation.

RUNNING’ UTES

Mr. HATCH. Mr. President, I spent part of last weekend in San Antonio at the Alamodome watching some of the most exciting basketball I have seen in a long time.

I was there as one of the “Runnin’ Utes” biggest fans. In a state that has a strong basketball tradition, the University of Utah basketball team has given us an extraotdinary season. Our entire state is proud of this team and proud of its coach, Rick Majerus. It is a tribute to the exceptional skills of any college team to make it to the “Final Four.” The two games on Saturday evening were a sports fan’s dream. Stanford and North Carolina put their best into the games, and they were exciting to watch.

Of course, I am disappointed in the outcome of Monday’s final championship game in which Utah lost to another fine team from the University of Kentucky—a team which has become known as the “Comeback Cats.”

Nevertheless, Monday night’s championship game caps a brilliant season for the Utes that started with the longest undefeated streak in the country and ended in a fantastic tournament run to the finals. The championship battle showcased two teams that were not favored to be there. Despite Kentucky’s tremendous history and great success in the 1990s, the Wildcats were overshadowed by other teams who filled the top spots in the polls all year. Similarly, Utah was overlooked by many sportswriters as much of the year through it began season with the best record in the country.

Mr. President, the University of Utah’s season was a great accomplishment not only for the team, but also for the entire university community, the Western Athletic Conference, and the great State of Utah.

Since taking over the reins at the “U” in 1989, Coach Rick Majerus has made Utah one of the best teams in the country during the 1990s. He has done so by encouraging tremendous discipline and work ethic, stressing both basketball fundamentals and positive attitude. Rick Majerus is also a coach who cares about his players beyond their ability to play ball; he understands the importance of other aspects of the university mission, including academics and community citizenship. It is important to note that Ute players have excelled in other pursuits as well. Seniors Michael Doleac and Drew House, for example, are headed for medical school and law school respectively.

Mr. President, I am extremely proud of the University of Utah for a tremendous year. It is said that everyone loves a winner. Well, this team has been truly outstanding both on and off the court. They have won with grace and lost with dignity. These same attributes are reflected in the loyal Utah fans. Some 4000 die-hard supporters viewed the game on a giant screen in the university’s center. And, despite the heartbreaking loss, Ute fans have continued to be proud of their team. After the players and
coaches returned to campus last Tuesday when they joined students and fans in an exuberant pep rally to celebrate their achievements. On Wednesday, a parade was held in their honor, culminating on the steps of City Hall. Mayor Deedee Corradini and the city council presented the team with the key to the city.

I want to congratulate the entire Ute team: The coaching staff, including Coach Majerus and his great assistant coaches Donny Daniels, Jeff Judkins, and Matt Brumback, and the players: Michael Doleac, Drew Hansen, Andre Miller, Hanno Mottola, Alex Jensen, Jordie McTavish, David Jackson, Nate Althoff, Greg Barratt, Jon Carlisle, Trace Caton, Britton Johnsen, and Adam Sharp. Thanks for giving us so much to cheer about.

**THE VERY BAD DEFEND BOXSCORE**

**MR. HELMS.** Mr. President, at the close of business yesterday, Wednesday, April 1, 1998, the federal debt stood at $5,375,122,000,000 (Five trillion, three hundred seventy-five billion, one hundred twenty-two million). Fifty years ago, April 1, 1948, the federal debt stood at $127,481,000,000 (One trillion, two hundred thirty-seven billion, four hundred eighty-one million) which reflects a debt increase of $4,303,069,647,696.94. (Four trillion, three hundred three billion, sixty-nine million, six hundred forty-seven thousand, six hundred ninety-six dollars and ninety-four cents) during the past 15 years.

**WAKE-UP CALL ON ENCRYPTION**

**Mr. LEAHY.** Mr. President, it is time the Senate, which has long been a leader in this critical need for a common sense encryption policy in this country, has been sounding the alarm bells about this issue for several years now, and have introduced encryption legislation, with Senator Byrns and others, in the last Congress and again in this one, to balance the important privacy, economic, national security and law enforcement interests at stake. The volume of those alarm bells should be raised to emergency sirens.

Because of the state of our current encryption policies and, specifically, our export controls on encryption, we are seeing increasing numbers of high-tech jobs and expertise driven overseas. Recently, a large computer security company, Network Associates, announced that it will make strong encryption software developed in the United States available through a Swiss company. Encryption technology invented by American ingenuity, will now be manufactured and distributed in Europe, and imported back into this country. All those good, high-tech jobs associated with Network Associates' encryption product are now going to foreign business. A week ago, the FBI attacked on the computer networks that support telecommunications, transportation, water supply, banking, electrical power and other critical infrastructure systems could wreak havoc on our national economy or even jeopardize our national defense or public safety.

We have been aware of the vulnerabilities of our computer networks for almost a decade. In 1988, I chaired hearings of the Subcommittee on Technology and the Law on the rise of high-tech terrorism. It became clear to me that merely “hardening” our physical space from potential attack is not enough. We must also “harden” our critical infrastructures to ensure our security and our safety.

That is where encryption technology comes in. Encryption is one important tool in our arsenal to protect the security of our computer information and networks. Both former Senator Sam Nunn and former Deputy Attorney General Jamie Gorelick, who serve as co-chairs of the Advisory Committee to the President’s Commission on Critical Infrastructure Protection, testified at a hearing last month that “encryption is essential for infrastructure protection.”

Yet, even computer security experts agree that U.S. encryption policy has “acted as a deterrent to better security.” As long ago as 1988, at my High-Tech Terrorism hearing, Jim Woolsey, who later became the director of the Central Intelligence Agency, testified about the need to do a better job of using encryption to protect our computer networks.

I have long advocated the use of strong encryption by individuals, government agencies and private companies to protect their valuable computer information. Indeed, a major thrust of the encryption legislation I have introduced is to encourage—and not stand in the way of—the widespread use of encryption. This would be a plus for both our law enforcement and national security agencies.

Unfortunately, we still have a long way to go to update our country’s encryption policy to reflect that this technology is a significant crime and terrorism prevention tool. I am particularly concerned by the testimony of Senator Sam Nunn last month that the “continuing federal government-private sector deadlock over encryption and export policies”
may pose an obstacle to the cooperation needed to protect our country’s critical infrastructures. At the heart of the encryption debate is the power this technology gives computer users to choose who may access their data, and determine who may see their records, to the exclusion of all others. For the same reason that encryption is a powerful privacy enhancing tool, it also poses challenges for law enforcement. Law enforcement agencies want access even when we do not choose to give it.

The FBI has made clear that law enforcement wants immediate access to the plaintext of encrypted communications and stored data, and, absent industry capitulation, will seek legislation to this effect. Indeed, while much of this debate has focused on relaxation of export controls, the FBI has upped the ante. Recognizing that the encryption genie is out of the bottle, the FBI has indicated it may seek import and domestic controls on encryption.

The FBI has told me in response to written questions that: “[I]f the current voluntary efforts are not successful... it is the responsibility of the FBI to put the alternative approaches to alleviate the problems caused by encryption. This would include legislative remedies which effectively address law enforcement concerns regarding the import of robust encryption products, as well as encryption products manufactured for use in the U.S.”

The Administration has not disavowed this position. In a recent letter to the Minority Leader, the Administration expressed a preference for a “good faith dialogue” and “cooperative solutions” over “seeking to legislate domestic controls,” but has clearly not ruled out the latter approach.

Even as our law enforcement and intelligence agencies try to slow down the widespread use of strong encryption, technology continues to move forward. Ironically, foot-dragging by the Administration on export controls and threats by the FBI to call for domestic encryption controls, have only motivated computer scientists to find alternative means to protect the privacy of online communications that may, in fact, pose more of a challenge to law enforcement.

Indeed, the terms of the current encryption debate may soon become moot. The New York Times reported a few weeks ago that Ronald Rivest of MIT has developed a new method for protecting the confidentiality of electronic messages that does not use encryption. Instead, this method breaks a message into separate packets, each marked with a special authentication header, and then “hides” those packets in a stream of other packets. Eavesdroppers would not know which packets were the “wheat” and which packets were the irrelevant “chaff”. As Mr. Rivest noted in his article announcing this technique, “attempts by law enforcement to regulate confidentiality by regulating encryption must fail, as confidentiality can be obtained effectively without encryption and even sometimes without the desire for confidentiality by the two communication parties.”

I know that others of my colleagues, including Senators BURNS, DASCHLE, ASHCROFT, KERRY, and MCCAIN, share my appreciation of importance of this encryption issue for our economy, our nation and our privacy. This is not a partisan issue. This is not a black-and-white issue of being either for law enforcement and national security or for Internet freedom. Characterizing the debate in these simplistic terms is neither productive nor accurate.

Delays in resolving the encryption debate hurt most the very public safety and national security interests that are posed as obstacles to resolving this issue. I look forward to working with this subcommittee and this Congress to move forward. Indeed, the terms of the current debate have been black and white. Indeed, the terms of the current debate have been black and white.

Every American, not just those in the software and high-tech industries and the law enforcement agencies, has a stake in the outcome of this debate. We have a legislative stalemate right now that needs to be resolved, and I plan to work closely with my colleagues on a solution in this committee.

I commend Senator ASHCROFT for holding an encryption hearing last month and providing a forum to discuss the important privacy and constitutional interests at stake in the encryption debate. How we resolve this debate today will have important repercussions for the exercise of our constitutional rights tomorrow. Do you agree with me that every American, not just those in the high-tech industries and not just those in law enforcement agencies, has a stake in the outcome of this debate?

Mr. ASHCROFT. Yes, I do. The testimony presented at the hearing made clear that how we resolve the law enforcement issues at the heart of the encryption debate may affect the exercise and protections of important First, Fourth and Fifth Amendment rights. While we must ensure law enforcement the appropriate amount of access for law enforcement of important constitutional liberties. As I mentioned at the hearing, the FBI has argued that a system of mandatory access to private communications—or a system in which the federal government strongly “persuades” individuals to hand over their rights to the FBI—would make it easier for law enforcement to do its job. Of course it would, but it would also make things easier on law enforcement if we simply repealed the Fourth Amendment.

Mr. LEAHY. These constitutional issues are vital ones for Congress to consider. I understand that efforts are underway for industry stakeholders to reach some accommodation with the Administration. I encourage constructive dialogue between the Administration and industry and, in fact, have been urging a dialogue between law enforcement and industry for over a year. Unfortunately, the Administration has not exercised its necessary oversight to ensure that the privacy and other constitutional rights of Americans are protected.

Mr. ASHCROFT. As the Chairman of the Judiciary Subcommittee on the Constitution, Commerce, and Property Rights, you can be assured that the subcommittee will stand ready to provide oversight to ensure that no constitutional right of any American is compromised. Several very important rights were addressed by the witnesses during the hearing, and the constitutional concerns of law-abiding citizens must be respected. Importantly, in the ongoing dialogue between industry and federal law enforcement we must make sure that the interests of the citizens of the United States are respected and that their constitutional rights are respected. We must ensure that everyone in the negotiations—including the administration—views the constitutional rights of law-abiding citizens as non-negotiable absolutes, not as bargaining chips.

Mr. LEAHY. I have been concerned about companies, such as Sun Microsystems and Network Associates, using foreign companies to manufacture and distribute strong encryption, which is prohibited in the United States but may not be exported under U.S. regulations. These instances are just the latest examples that delays in resolving the encryption debate is driving overseas cryptographic expertise and high-tech jobs, to the detriment of our economy and our national security. Do you share these concerns?

Mr. ASHCROFT. Yes, I certainly share those concerns. The impact to our national security is clear and the impact to our economy is enormous. I am concerned that the United States is sending some of our greatest talent and products to foreign shores, enabling foreign competitors, both to industry and to our national security, to gain a strong foothold. In the past few weeks, Network Associates, our largest independent maker of computer security software, decided to allow its Dutch subsidiary to begin selling strong encryption that does not provide a contractual means to access private communications. This move by Network Associates was necessitated by our current wrong-headed export provisions. We have to re-examine these policies. Simply put, strong encryption means a strong economy. Mandatory access, by contrast, means weak encryption and a less secure, and therefore less valuable, network. This recent example of the export of a manufacturing enterprise and the accompanying intellectual capital is only one example of a bad policy weakening our economy.

Mr. LEAHY. In my view, encryption legislation should promote the following goals:

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CONGRESSIONAL RECORD — SENATE

S3115

April 2, 1998
First, legislation should ensure the right of Americans to choose how to protect the privacy and security of their communications and information;

Second, legislation should bar a government-mandated key escrow encryption system;

Third, legislation should establish both procedures and standards for access by law enforcement to decryption keys or decryption assistance for both encrypted communications and stored electronic information and only permit such access upon court order authorization, with appropriate notice and other protections.

Fourth, legislation should establish both procedures and standards for access by foreign governments and foreign law enforcement agencies to the plaintext of encrypted communications and stored electronic information of United States persons;

Fifth, legislation should modify the current export regime for encryption to promote the global competitiveness of American companies;

Sixth, legislation should not link the use of certificate authorities with key recovery agents or, in other words, link the sale of encryption for confidentiality purposes with use of encryption for authenticity and integrity purposes;

Seventh, legislation should, consistent with these goals of promoting privacy and the global competitiveness of our high-tech industries, help our law enforcement agencies and national security agencies deal with the challenges posed by the use of encryption; and

Eighth, legislation should protect the security and privacy of information provided by Americans to the government by ensuring that encryption products used by the government interoperate with commercial encryption products.

Do you agree with these goals?

Mr. ASHCROFT. Yes, I agree with these goals and will look to these same items as a reference point for the drafting, introducing and passage of encryption reform legislation.

Mr. LEAHY. Would the Senator agree to work with me on encryption legislation that achieves these goals and that we could bring to the floor this Congress?

Mr. ASHCROFT. Yes. I believe it is critical for us to address this issue and soon. I also believe that we should work together to produce a piece of legislation that demonstrates our position on encryption policy.

EQUAL PAY DAY

Mr. LEAHY. Mr. President, tomorrow, April 3, 1998, is Equal Pay Day. This is the day by which women will have had to work all of 1997 and the first three months of 1998 to make what a man made in 1997 alone. We are not talking about jobs requiring different skills or abilities. We are talking about equal pay for equal work. This is not a glass ceiling; this is a glass wall. Women cannot break the glass ceiling until the wall comes down and they are given the equal pay that they deserve.

Early in the next century, women—for the first time ever—will outnumber men in the United States workplace. In 1995, women held 45 percent of all jobs. That has grown to more than 45 percent today. And in a few years, women will make up a majority of the workforce.

Fortunately, there are more business and career opportunities for women today than there were thirty years ago. Unlike 1965, federal, state, and private sector programs now offer women many opportunities to choose their own futures. Working women also have opportunities to gain the knowledge and skills to achieve their own economic security.

But despite these gains, working women still face a unique challenge: achieving pay equity. The average woman earns 74 cents for every dollar that the average man earns. According to a study by the National Academy of Sciences, one-half of the pay gap is due to discrimination. This is unacceptable.

This discrimination is evident even in traditionally female professions such as nursing. For example, Marcelle, my wife, is a registered nurse. Female registered nurses make on average $7,600 a year less than men. It is unacceptable when female nurses make only 80 percent of the wages of their male counterparts for the same work.

My home state of Vermont is a leader in providing pay equity. According to the Institute for Women's Policy Research, Vermont ranks third in providing equal pay. Even with this ranking, the average woman in Vermont still is making less than 76 cents for every dollar that the average man makes in Vermont. We must work in the Senate and in the workplace to close this gap.

I am pleased to join Senator DASCHLE in reintroducing the Paycheck Fairness Act. This legislation will help to address the problem of pay inequality by redressing gender discrimination and increasing enforcement against future abuses.

Senator HARKIN is also a true leader on pay equity. I am an original cosponsor of the Fair Pay Act, which prohibits pay discrimination based on sex, race or national origin. These two pieces of legislation will help to provide women with what they deserve: equal pay for equal work.

I understand that these bills will not solve all of the problems of pay inequity, but they will close legal loopholes that allow employers to routinely underpay women. By closing these loopholes, we will help women achieve better economic security and provide them with more opportunities.

Women are being advanced in the workplace and the glass ceiling is slowly cracking. Last year, President Clinton appointed Madeline Albright as the first female Secretary of State, and I am proud that Vermont is also a leader in advancing women in the workplace. The University of Vermont has a female president, Dr. Judith Ramaley, and Martha Rainville was recently elected Adjutant General of the Vermont National Guard—the first woman in the nation to hold this position. While women are advancing in the workplace, we need to ensure that they are receiving fair pay for their work.

I want to commend Senator DASCHLE and Senator HARKIN on their initiative in introducing the Paycheck Fairness Act and the Fair Pay Act. I want to recognize and commend the hundreds of organizations around the country that will recognize tomorrow as Equal Pay Day.

POSITIVE SYSTEMS

Mr. BURNS. Mr. President, I stand today to recognize one of Montana's next generation jewels—Positive Systems in Whitefish, Montana. As a result of the dedication and commitment to the industry, Positive Systems has been recognized by the 1998 Governor's Excellence in Exporting Award Certificate of Appreciation.

Incorporated in 1991, Positive Systems provides a technical service in a rather unique and young industry. Dale Behrendt and his staff have been recognized by the 1998 Governor's Excellence in Exporting Award Certificate of Appreciation.

Positive Systems has mapped landscapes throughout the world working for everyone from farmers to NASA. Their camera, mounted in a small aircraft take pictures in the visible spectrum as well as in the near infrared. Although the human eye is capable of sensing just a portion of the entire light spectrum, the cameras can see much more. The camera lenses pick up the nearest infrared which has several remarkable attributes including the fact that it interacts with chlorophyll, reflecting very well off of healthy plants.

By designating a color to the near infrared the cameras can detect the amount of light bouncing off of a given plant—the more reflective the plant, the healthier it is. In an age of high-tech, precision agriculture, every advantage helps. An acre of farmland, for instance, can support upward of 11,000 heads of lettuce; so to lose even a few acres on a corporate farm can mean a huge financial impact.

Understanding the whole system is a primary focus at NASA, where a new sciences program is providing government funds for private sector research into global change over time. In addition, Positive System teams with
Why is the Senate about to recess without having passed an IRS reform bill? In the crazy world of Washington, D.C., it seems that when the Congress tries to stop the IRS from improperly collecting taxes, budget rules require that the “loss” of revenue be offset with money. It is almost impossible to clean house at the IRS. And so the Senate has now been diverted over the question of how to “pay” for an IRS reform bill, and which tax increases are least objectionable to use for that purpose.

The referee in such matters is the Joint Committee on Taxation. The accountants and tax experts at this committee review all tax proposals, and make a determination as to which measures result in a loss of revenue, and which are revenue neutral. No matter what the green eye shade experts say, it just seems wrong to ask the American people to pay for IRS reform. IRS reform legislation should not impose new taxes, but if it must, there are a great many good ideas for reforming the IRS which even the Joint Committee on Taxation staff have said can be enacted without the need for new taxes.

First among these is the creation of an IRS oversight board, such as the one I have proposed in my own IRS reform legislation, S. 1555. There are a number such reforms which can be implemented without any need for offsetting tax increases. It is revealing that IRS agents explain taxpayers’ right to them in interviews; low-income taxpayer clinics; archiving IRS records so that Congress can delve into the inner workings of the agency; cataloging complaints of IRS employee misconduct; prohibiting the IRS from seizing taxpayers’ homes in small deficiency cases, among others. One idea that would impose no additional cost, but which I am sure would make a big difference to taxpayers who struggle to find a person to talk to in the IRS bureaucracy: require that all IRS notices must contain the name and telephone number of a taxpayer employee to contact.

In fact, of the 75 separate reforms currently being considered by the Senate Committee on Finance, over 50 are revenue neutral, according to the Joint Committee on Taxation. At a minimum, these reforms should be considered as pay for the additional reform. I suggest that Congress look first to the IRS’s own budget before turning to the American people.

For those who worry that the IRS will not have enough resources to collect taxes, it is worth noting that the IRS budget has grown by a whopping 71 percent in real terms since 1981. Many working families haven’t been so fortunate. Simply freezing the IRS budget at 1980 levels would generate an additional $500 million a year, which could be applied to offset more costly IRS reforms. That would also help make it clear that Congress considers taxpayers to be at least as important as the IRS bureaucracy.

Mr. President, I recently wrote an editorial for the Wall Street Journal on the subject of IRS reform, which appeared on March 31, 1998. I ask unanimous consent that this article appear in the Record at the conclusion of my remarks.

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

(From Exhibit 1, S. 3361)

In the crazy world of Washington, D.C., legislation to reform the Internal Revenue Service is beginning to look more and more like a bill to increase our deficit by several billion dollars. This outrage must be stopped, and soon.

Last fall, the House of Representatives passed legislation based on the recommendations of the National Commission on Restructuring the IRS, the so-called Kerrey-Portman Commission. Most of the provisions of that bill are good, commonsense measures that will make the IRS more accountable to the public and reform the way the IRS conducts its business. Some of the “taxpayer bill of rights” provisions, however, have been “scored” by the Joint Committee on Taxation as costing the government revenue. In Washington-speak, this means that these provisions require an “offset”—better known to most Americans as a tax increase.

House bill drafters were creative in finding a “loophole closer” for their IRS reform bill’s offset. Their idea is to clarify the deduction for accrued vacation pay, which would net an additional $2.85 billion over five years. In this case, the loophole probably is just that; it’s arguable that federal tax court decisions have strayed from the intent of Congress in 1987 legislation concerning the proper treatment of vacation pay as deferred compensation. But there are precious few other true loophole closers where that one came from. Virtually every other potential “revenue offset” on the table would come from one of two sources—a laundry list of 43 tax increases proposed by the president, or unspecified tax-busting settlement money. Either way, they are tax increases.

And there’s another problem: The Senate version of IRS reform is shaping up as two to three times more expensive than the bill passed by the House last fall, according to staffers of the Senate Finance Committee. That means that congressional staffers drafting the revised bill must dig into their bag of “loophole closers” (translation—tax increases) suggested by the president to pay for the additional lost revenue to the government.

I find it patently offensive that any reform of the Internal Revenue Service should impose a cost on the American people. After all, the IRS employs 60,000 people, 46,000 of whom work in enforcement, with a total budget of over $8 billion. The entire Drug Enforcement Administration—our country’s defense in drugs—has a staff of only 8,500. The IRS can audit any American at any time, but drug traffickers...
would have nothing to fear under the present administration's priorities.

What is the solution? For one thing, the omnibus approach to IRS reform—cobbling together a large bill has its problems. It should be reconsidered. Many worthwhile tax reform reforms have been "scored" as resulting in no lost revenue to the government. In other words, they are a thing. They should go forward on their own.

Chief among these provisions is an oversight board for the IRS. The House IRS reform bill had such a board. Recall that Treasury Secretary Robert Rubin originally opposed that idea, until the president gave it his surprise endorsement. What followed was a series of negotiations between Congress and the administrations over the makeup of such a board. The board is still too weak, and I have offered my own legislation to create a board of nine members, all private citizens. I do not think the Secretary of the Treasury, the Commissioner of the IRS or the IRS employees' union representative should be on such a board, as they would be under the House version. That's just too much like the fox guarding the hen-house.

Other provisions that do not result in lost revenue to the government include strengthening the office of the taxpayer advocate; prohibiting executive branch influence over taxpayer audits; changing the way IRS requests are used to provide greater oversight; establishing low-income taxpayer clinics; and reforming certain sections of the tax code that were intended to provide taxpayer privacy protections, but that IRS attorneys have instead used to shield the IRS's inner workings from congressional oversight.

If offsets are needed, let's look first at the massive $8 billion budget of the IRS itself before turning to the taxpayers. That budget has increased 71% in real terms since 1981. Merely keeping the IRS budget at last year's levels would yield half a billion dollars. Also, don't forget that the president's own budget plan has a list of more than $30 billion in suggested spending cuts. That would more than pay for even the most ambitious tax reform, as long as Congress holds the line on new federal spending. And before we dismiss waste and fraud as a source of savings, recall that the Social Security Administration has just uncovered a very expensive scam—prison inmates have been receiving as much as $3.46 billion in improper Social Security payments for modest damages. As a result, we are all paying a huge price—from the job market to the super-market. Let us take the first step by reforming the product liability system. Congress did just that, when it sent President Clinton the Product Liability Legal Reform Act. This legislation was a carefully crafted bipartisan bill that, among other things, would have limited punitive damage awards to twice the plaintiff's compensatory damages, or $25,000—whichever is greater. The bill would have simply injected predictability and sanity into our out-of-control legal system and protected American companies from unfair and outrageous damage awards.

The American people and America's employers, however, were dealt a big blow when President Clinton vetoed this bipartisan, common-sense reform effort. Almost 90 percent of the American people supported the bill. Consumers already pay 30 percent more on the price of a step ladder and 95 percent more for the price of childhood vaccine due to outrageous product liability reforms. The average American worker and business needs this bill to help stem the tide of job loss and help create new jobs.

So, why would Mr. Clinton veto this legislation? Possibly because the most vocal opponents of this bill the plaintiff's trial lawyers—were also the target supporters of his re-election effort. The President had a choice to make. He had to choose between the plaintiff's trial bar who provide him millions in dollars in campaign funds, and American workers and businesses needed this bill to help stem the tide of job loss and help create new jobs.

Negotiations continue with the White House on product liability reform. But it's not possible to make the American people into believing that real reform will take place have been offered.

My purpose in coming to the floor today is to challenge my colleagues to act on real product liability reform. Or, send the one part of this legislative effort that there is some consensus on to the President, including a Senate majority of Senators McCain and Lieberman's Biomaterials Access Assurance Act. Every year 7.5 million patients are threatened when medical suppliers choose to discontinue a product because of liability concerns outweigh any potential gains. In my experience as a cardio-thoracic surgeon, you can't overstate the vital nature of bringing the best and newest technology to the operating table. The list of life-saving devices affected have long to mention.

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

Product Liability and Biomaterials Access

Mr. FRIST. Mr. President, each year, American companies are forced to lay off workers or shut down entirely, but it's not that hard, easy times. Instead, the costs of product liability insurance and outrageous damages are driving them out of business. We now live in the most litigious society on earth. Our courts are packed with frivolous lawsuits filed by people seeking multi-million dollar payments for modest damages. As a result, we are all paying a huge price—from the job market to the super-market. Let us take the first step by reforming the product liability system. Congress did just that, when it sent President Clinton the Product Liability Legal Reform Act. This legislation was a carefully crafted bipartisan bill that, among other things, would have limited punitive damage awards to twice the plaintiff's compensatory damages, or $25,000—whichever is greater. The bill would have simply injected predictability and sanity into our out-of-control legal system and protected American companies from unfair and outrageous damage awards.

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The following bill was read the first and second times by unanimous consent and referred as indicated:

H. R. 1151. An act to amend the Federal Credit Union Act to clarify existing law with regard to the field of membership of Federal credit unions, to preserve the integrity and purposes of Federal credit unions, to enhance supervisory oversight of insured credit unions, and for other purposes.

H.R. 2460. An act to authorize funds for Federal-aid highways, highway safety programs, and transit programs, 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. 3310. An act to amend chapter 35 of title 5. United States Code, a report relative to the Federal Voting Assistance Program; to the Committee on Governmental Affairs.

H.R. 1141. An act to amend the Federal Credit Union Act to clarify existing law with regard to the field of membership of Federal credit unions, to preserve the integrity and purposes of Federal credit unions, to enhance supervisory oversight to insured credit unions, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

The following bill, previously received from the House of Representatives, for the concurrence of the Senate, was read twice and referred as indicated:

H.R. 3310. An act to amend chapter 35 of title 5. United States Code, for the purpose of facilitating compliance by small businesses with certain Federal paperwork requirements, to establish a task force to examine the feasibility of streamlined paperwork requirements applicable to small businesses, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

The following concurrent resolution was read and referred as indicated:

H. Con. Res. 247. Concurrent resolution recognizing the contributions of the Reverend Dr. Martin Luther King, Jr., to the civil society of the United States and the world and to the cause of nonviolent social and political change to advance social justice and equality for all races and calling on the people of the United States to study, reflect on, and commemorate the life of Dr. Martin Luther King, Jr., on the thirtieth anniversary of his death.

The message further announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 1151. An act to amend the Federal Credit Union Act to clarify existing law with regard to the field of membership of Federal credit unions, to preserve the integrity and purposes of Federal credit unions, to enhance supervisory oversight of insured credit unions, and for other purposes.

H.R. 2460. An act to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes.

The following bill was read and referred as indicated:

S. 750. An act to consolidate certain mineral interests in the National Grasslands in Billings County, North Dakota, through the exchange of Federal and private mineral interests to enhance land management capacities and environmental and wildlife protection, and for other purposes.

The following communications were submitted:

Executive and Other Communications

The following communications were submitted:

By Mr. MCCAIN, from the Committee on Commerce, Science, and Transportation, without amendment:

S. 1690. A bill to amend the High-Performance Computing Act of 1991 to authorize appropriations for fiscal years 1999 to 2000 for the Next Generation Internet program, to require the Advisory Committee on High-Performance Computing and Communications, Information Technology, and the Next Generation Internet to monitor and give advice concerning the development and implementation of the Next Generation Internet program to the President and the Congress in its activities, and for other purposes (Rept. No. 105–173).

By Mr. HATCH, from the Committee on the Judiciary, without amendment and with a preamble:

S. Res. 201. A resolution to commemorate and acknowledge the dedication and sacrifice made by the men and women who have lost their lives while serving as law enforcement officers.

By Mr. HATCH, from the Committee on the Judiciary, with an amendment in the nature of a substitute:

S. 1723. A bill to amend the Immigration and Nationality Act to assist the United States to remain competitive by increasing the access of the United States firms and institutions of higher education to skilled personnel and by expanding educational and training opportunities for American students and workers.

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. D'AMATO:

S. 1723. A bill to amend title XVIII of the Social Security Act to carve out form payments to Medicare-Choice organizations amounts attributable to disproportionate share hospital payments and pay such amounts directly to those disproportionate share hospitals in which their enrollees receive care, to the Committee on Finance.

By Mr. LEAHY:

S. 1906. A bill to require the President to remain in session to act on judicial nominations in certain circumstances; to the Committee on Rules and Administration.

By Mr. DASCHLE:

S. 1907. A bill to amend the Internal Revenue Code of 1986 to allow a refundable tax credit for wetland restoration and conservation expenses; to the Committee on Finance.

By Mr. MOYNIHAN (for himself and Mr. D'AMATO):

S. 1908. A bill to amend title XVIII of the Social Security Act to carve out form payments to Medicare-Choice organizations amounts attributable to disproportionate share hospital payments and pay such amounts directly to those disproportionate share hospitals in which their enrollees receive care, to the Committee on Finance.

By Mr. MCCAIN:

S. 1909. A bill to repeal the telephone excise tax; to the Committee on Finance.

By Mr. BREAUX:

S. 1910. A bill to clarify the applicability of authority to release restrictions and encumbrances on certain property located in Calcasieu Parish, Louisiana; to the Committee on Commerce, Science, and Transportation.

By Mr. D'AMATO:

S. 1911. A bill to amend the Internal Revenue Code of 1986 to provide a $500 non-refundable credit to individuals for the payment of
real estate taxes; to the Committee on Finance.

By Mr. FORD (for himself and Mr. BOND):
S. 1921. A bill to amend title 10, United States Code, to exclude additional reserve component general and flag officers from the limitation on the number of general or flag officers on active duty; to the Committee on Armed Services.

By Mr. BAUCUS (for himself and Mr. HARKIN):
S. 1922. A bill to require the Secretary of the Interior to sell leaseholds at the Canyon Ferry Reservoir in the State of Montana and to establish requirements concerning the operation of fish and wildlife and enhancement of public fishing and hunting opportunities in the State; to the Committee on Environment and Public Works.

By Mr. GRASSLEY:
S. 1914. A bill to amend title 11, United States Code, to provide for business bankruptcy reform, and for other purposes; to the Committee on the Judiciary.

By Mr. LEAHY:
S. 1915. A bill to amend the Clean Air Act to establish requirements concerning the operation of fossil fuel-fired electric utility steam generating units, commercial and industrial boiler units, solid waste incineration units, medical waste incinerators, hazardous waste combustors, chlor-alkali plants, and Portland cement plants to reduce emissions of mercury to the environment, and for other purposes; to the Committee on Environment and Public Works.

By Mr. DURBIN:
S. 1916. A bill for the relief of Martin Turcovic, and his fiancée, Corina Dechalu; to the Committee on the Judiciary.

By Mr. DURBIN (for himself, Mr. CHAFEE, Mr. REED, and Mrs. BOXER):
S. 1917. A bill to prevent children from injuring themselves and others with firearms; to the Committee on the Judiciary.

By Mr. DORGAN (for himself, Mr. DASCHEL, Mr. WELLSTONE, Mr. JOHNSON, Mr. CONRAD, Mr. HARKIN, and Mr. BAUCUS):
S. 1918. A bill to require the Secretary of Agriculture to make available to producers of the 1998 and subsequent crops of wheat and feed grains nonrecourse loans that provide a fair return to the producers in relation to the cost of production; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. MURKOWSKI (for himself, Mr. NICKLES, Mrs. HUTCHISON, and Mr. DOMENICI):
S. 1919. A bill to provide for the energy security of the Nation through encouraging the production of domestic oil and gas resources from stripper wells on federal lands, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. MURKOWSKI (for himself, Mr. NICKLES, and Mrs. HUTCHISON): S. 1920. A bill to improve the administration of oil and gas leases on Federal lands, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. JEFFORDS (for himself and Mr. DODD):
S. 1921. A bill to ensure confidentiality with respect to medical records and health-care-related information, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. CAMPBELL:
S. 1922. A bill to amend chapter 61 of title 5, United States Code, to make election day a legal public holiday, with such holiday to be known as “Freedom and Democracy Day”; to the Committee on the Judiciary.

By Mr. COVERDELL (for himself, Mr. BREAUX, and Mr. DEWINKLE):
S. 1923. A bill to amend the Federal Water Pollution Control Act to ensure compliance by Federal facilities with pollution control requirements; to the Committee on Environment and Public Works.

By Mr. MACK (for himself, Mr. KERRY, Mr. D’AMATO, Mrs. FEINSTEIN, Mr. BOND, Ms. MOSELEY-BRAUN, Mr. CONRAH, Mr. JOHNSON, Mr. GREGG, Mr. KENNEDY, Mr. THURMONT, Mr. ROBB, Mr. GRAMS, Mr. BUMPERS, Mr. COATS, Mr. DODD, Mr. INOUYE, Mr. INOUYE, Mr. DURBIN, Ms. SOWLE, Mr. WYDEN, and Mr. HOLLINGS):
S. 1924. A bill to restore the standards used for determining whether technical workers are not employees as in effect before the Tax Reform Act of 1986; to the Committee on Finance.

By Mr. CAMPBELL (for himself and Mr. INOUYE):
S. 1925. A bill to make certain technical corrections in laws relating to Native Americans, and for other purposes; to the Committee on Indian Affairs.

By Mr. GRASSLEY:
S. 1926. A bill to provide for the sale of the Mineral Management Service’s interest in the Chadron Lease to the Bureau of Land Management; to the Committee on the Judiciary.

By Mr. MOSELEY-BRAUN:
S. 1927. A bill to amend section 2007 of the Social Security Act to provide grant funding for 20 additional Empowerment Zones, and for other purposes; to the Committee on Finance.

By Mr. LEAHY:
S. 1928. A bill to protect consumers from overcollections for the use of pay telephones, to provide for a consumer to make informed decisions about the use of pay telephones, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mrs. HUTCHISON (for herself, Mr. MURKOWSKI, Mr. NICKLES, and Mr. DOMENICI):
S. 1929. A bill to amend the Internal Revenue Code of 1986 to provide tax incentives to encourage production of oil and gas within the United States, and for other purposes; to the Committee on Finance.

By Mr. NICKLES (for himself, Mr. DOMENICI, Mr. MURKOWSKI, Mrs. HUTCHISON, Mr. BREAUX, and Mr. CRAIO):
S. 1930. A bill to provide certainty for, reduce administrative and compliance burdens on, and ensure fair treatment of certain small property owners; to the Committee on Energy and Natural Resources.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS
The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. CAMPBELL (for himself, Mr. CONRAD, Mr. DASCHEL, Mr. JOHNSON, and Mr. McCAIN): S. Res. 206. A resolution to recognize 50 years of efforts with respect to the creation of the Crazy Horse Memorial, honoring the great Oglala Sioux leader, Tasseunka Witko, popularly known as “Crazy Horse”; and to express the Senate of the United States with respect to the Crazy Horse Memorial; to the Committee on Indian Affairs.

By Mr. JEFFORDS (for himself, Mr. SPECKER, Mr. AKAKA, and Mr. LEAHY): S. Res. 207. A resolution commemorating the 30th anniversary of the founding of the Vietnam Veterans of America; to the Committee on the Judiciary.

By Mr. LOFFT (for himself and Mr. DASCHEL): S. Res. 208. A resolution to establish a special committee of the Senate to address the year 2000 technology problem; considered and agreed to.

By Ms. COLLINS: S. Res. 209. A resolution providing section 302 allocations to the Committee on Appropriations; considered and agreed to.

By Mr. D’AMATO (for himself, Mr. MOWYKIAN, Mr. ASHCROFT, and Mr. BINGHAMAN):
S. Con. Res. 88. A concurrent resolution calling on Japan to establish and maintain an open, competitive market for consumer photographic film and paper and other sectors facing market access barriers in Japan; to the Committee on Finance.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS
By Mr. DASCHEL:
S. 1931. A bill to provide for equitable compensation for the Cheyenne River Sioux Tribe, and for other purposes; to the Committee on Indian Affairs.

The CHEYENNE RIVER SIOUX TRIBE EQUITABLE COMPENSATION ACT

Mr. DASCHEL. Mr. President, today I am introducing legislation to compensate the Cheyenne River Sioux Tribe for losses the tribe suffered when the Oahe dam was constructed in central South Dakota over 100,000 years of tribal land was flooded. Its passage will help the tribe rebuild their infrastructure and their economy, which was seriously crippled by the Oahe project during the 1950s. It is extraordinary that it has taken four decades to reach this point. The importance of passing this long-overdue legislation as soon as possible cannot be stated too strongly.

This legislation was developed with the assistance of Chairman Gregg Bourland and Council Member Louis Dubray of the Cheyenne River Sioux Tribe. Both men have worked tirelessly to bring us to this point and I am grateful for their assistance. This legislation represents a recognition of their progressive vision for providing the members of the Cheyenne River Sioux Tribe with greater opportunities for economic development and to fulfill the debts owed to the tribe by the federal government.


The bill is based on an extensive analysis of the impact of the Pick-Sloan Dam Projects on the Cheyenne River Sioux Tribe, which was performed by the Robert McLaughlin Company. The McLaughlin report was reviewed by the General Accounting Office, which found that the losses suffered by the tribe justified the establishment of a $290 million trust fund,
Tribe.

It applies to the Cheyenne River Sioux that the United States Government to Native Americans—in this case the Cheyenne. I strongly urge my colleagues to approve this legislation this year. Providing compensation to the Cheyenne River Sioux Tribe for past harm inflicted by the federal government is long-overdue and any further delay only compounds that harm. I ask unanimous consent that the entire 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. 1905

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

SEC. 1. SHORT TITLE.

(a) SHORT TITLE.—This Act may be cited as the "Cheyenne River Sioux Tribe Equitable Compensation Act of 1998." (b) PURPOSES.—The purposes of this Act are as follows:

(1) To provide additional financial compensation to the Tribe for the taking of land for the Oahe Dam and Reservoir Project in a manner consistent with the determination of the Comptroller General of the United States described in subsection (a)(7).

(2) To provide for the establishment of the Cheyenne River Sioux Tribe Recovery Account, a dual cash account to be managed by the Office in order to make payments to the Tribe to carry out projects under a plan prepared by the Tribe.

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress finds that:

(1) Congress approved the Pick-Sloan Missouri River Basin program by passing the Act of December 22, 1944, commonly known as the "Flood Control Act of 1944" (58 Stat. 887) and subsequently authorized implementation of the Missouri River Basin Pick-Sloan Plan for water development and flood control for downstream states.

The Oahe dam flooded 104,000 acres of tribal land, forcing the relocation of roughly 10 percent of the tribe's population, including four entire communities. Equally as important, the tribe lost 80 percent of its fertile river bottom lands—lands that represented the basis for the tribal economy. Prior to the flooding, the tribe relied on these lands for firewood and building material, game, wild fruits and berries, as well as cover from the severe storms that characterize winters in South Dakota and shelter from the heat of the prairie summer. Indian ranchers no longer had places to shelter their cattle in the wintertime, causing a significant loss in the value of their operations.

The loss of these important river bottom lands can be felt today. Last year, during the extreme winter of 1996–1997, the tribe lost roughly 30,000 head of livestock, including 25,000 head of cattle. Without adequate natural shelter, the remaining Indian ranchers along this stretch of river can expect to continue to have difficulty scratching out a living in future years when the winter turns particularly hard.

Mr. President, the damage caused by the Pick-Sloan projects touched every aspect of life on the Cheyenne River reservation. Ninety percent of the timber on the reservation was wiped out, causing shortages of building material and firewood. Wildlife, once abundant in the river bottom, became more scarce. The entire lifestyle of the tribe changed as it was forced to hunt most of its people from the lush river bottom lands to the windswept prairie.

Most Americans, if not all, are familiar with the many broken promises of the United States Government to Native Americans during the 1800’s. For Indian tribes located along the Missouri River in the State of South Dakota, the United States Government still has not met its responsibilities for compensation for losses suffered as a result of the construction of the Pick-Sloan projects. The proposed legislation is intended to correct that situation as it applies to the Cheyenne River Sioux Tribe.

We cannot, of course, remake the lost lands and return the tribe to its former existence. We can, however, help provide the resources necessary to the tribe to improve the infrastructure on the Cheyenne River reservation. This, in turn, will create opportunities for economic development which will benefit all members of the tribe. Perhaps most importantly, it will fulfill part of our commitment to improve the lives of Native Americans—in this case the Cheyenne.

(b) PURPOSES.—The purposes of this Act are as follows:

(1) To provide for additional financial compensation to the Tribe for the taking of 104,002 acres of land of the Tribe for the Oahe Dam and Reservoir project in a manner consistent with the determination of the Comptroller General of the United States described in subsection (a)(7).

(2) To provide for the establishment of the Cheyenne River Sioux Tribe Recovery Account, a dual cash account to be managed by the Office in order to make payments to the Tribe to carry out projects under a plan prepared by the Tribe.

SEC. 3. DEFINITIONS.

In this Act:

(1) ACCOUNT.—The term "account" means the Cheyenne River Sioux Tribe Recovery Account established under section 4.

(2) CHEYENNE RIVER SIOUX TRIBE.—The term "Cheyenne River Sioux Tribe" or "Cheyenne River Sioux Tribe" means the United States by generating a substantial amount of hydropower and impounding a substantial quantity of water;

(3) notwithstanding the contributions referred to in paragraph (1), the Oahe Dam and Reservoir project has contributed little to the economy of the Tribe;

(4) the Oahe Dam and Reservoir project overlies the eastern boundary of the Crow Creek Indian Reservation;

(5) the Oahe Dam and Reservoir project has—

(A) inundated the fertile, wooded bottom lands of the Tribe along the Missouri River that constituted the most productive agricultural and pastoral lands of the Tribe and the homeland of the members of the Tribe; and

(B) as a result of that inundation, severely damaged the economy of the Tribe and the members of the Tribe;

(6) the Secretary appointed a Joint Tribal Advisory Committee that examined the Oahe Dam and Reservoir project and that advisory committee correctly concluded that—

(A) the Federal Government did not justify, or fairly compensate the Tribe for, the Oahe Dam and Reservoir project when the Federal Government acquired 104,002 acres of land of the Tribe for that project; and

(B) the Tribe should be adequately compensated for the taking described in subparagraph (A); and

(7) after applying the same method of analysis used for the compensation of similarly situated Indian tribes, the Comptroller General of the United States determined the amount of compensation for the taking described in paragraph (6) and determined that the appropriate amount of compensation to pay the Tribe for the taking would be $290,722,958;

(8) the Tribe is entitled to receiving additional financial compensation for the taking of 104,002 acres of land of the Tribe for the Oahe Dam and Reservoir project in a manner consistent with the determination of the Comptroller General of the United States described in subsection (a)(7); and

(9) the establishment of a dual cash account with the amounts made available to the Tribe under this Act is consistent with the principles of self-governance and self-determination.

SEC. 4. CHEYENNE RIVER SIOUX TRIBAL RECOVERY ACCOUNT.

(a) CHEYENNE RIVER SIOUX TRIBAL RECOVERY ACCOUNT.—The Secretary of the Treasury shall deposit into the fund an amount equal to 10 percent of the receipts
from the deposits to the Treasury of the United States for the preceding fiscal year from the Program.

(2) PERCENTAGE AMOUNT.—Beginning with fiscal year 2004, if no other law provides for the compensation to parties in conjunction with an applicable plan for the Program, the Secretary of the Treasury shall deposit into the fund an amount determined under this subsection equal to 25 percent of the receipts from the deposits to the Treasury of the United States for the preceding fiscal year from the Program, until such time as the aggregate of the amounts deposited into the fund from such receipts and receipts deposited under paragraph (1) equals the amount specified in paragraph (1). (3) PLAN REVIEW AND REVISION.—(A) In general.—If, after the date that is 60 days after the end of a fiscal year, the Secretary of the Treasury fails to deposit into the fund an amount determined under paragraph (1) or (2), the Secretary of the Treasury shall deposit the amount required to be deposited, determined for the period beginning on the day after the termination of that 60-day period and ending on the date on which the amount determined under paragraph (1) or (2) is deposited, and based on a rate of interest that is commonly referred to as the Treasury overnight rate.

(c) VACANCY DURING.—(1) IN GENERAL.—Subject to paragraph (2), in accordance with section 202 of the American Indian Trust Fund Management Reform Act of 1998 (25 U.S.C. 4022), the Tribe may, in accordance with that Act, voluntarily withdraw some or all of the funds held in trust for the Tribe by the United States and managed by the Secretary through the Office.

(2) LIMITATION.—No amount of principal withdrawn under this subsection may be expended by the Tribe. The Tribe may withdraw amounts only to the extent that the Secretary of the Interior certifies that the Tribe may expend only the interest earned on the principal.

(e) PAYMENT OF INTEREST TO TRIBE.—In accordance with this Act, the Secretary, acting through the Office, and in a manner consistent with the first section of the Act of June 24, 1938 (52 Stat. 1037 et seq., chapter 648; 25 U.S.C. 162a) shall make payments to the Tribe from the interest credited to the interest component of the account, beginning with the first fiscal year during which interest is credited to the account. The Tribe shall use the payments made under this subsection only for carrying out the plan under subsection (e). (2) CONTENTS OF PLAN.—The plan developed under this subsection shall provide for the manner in which the Tribe will expend the payments referred to in paragraph (1) to promote—(A) economic development; (B) infrastructure development; (C) education, health, recreational, and social welfare objectives of the Tribe and its members; or (D) any combination of the activities referred to in subparagraphs (A) through (C).

(3) PLAN REVIEW AND REVISION.—The Tribal Council of the Tribe shall make available for review and comment by the members of the Tribe a substantial portion of the plan developed under the plan before the plan becomes final, in accordance with procedures established by the Tribal Council. The Tribal Council may, on an annual basis, update the plan in a manner that provides the members of the Tribe to review and comment on any proposed revision.

(4) AUDIT.—The activities of the Tribe in carrying out the plan under this subsection shall be audited as part of an annual audit conducted for the Tribe. The auditors that conduct the audit shall include in the written findings of that audit a determination whether the funds received by the Tribe under this section were expended in a manner consistent with the plan to carry out the plan under this subsection.

(g) TRANSFERS; LIMITATIONS.—(1) WITHDRAWAL AND TRANSFER OF FUNDS.—(A) In general.—No payment made pursuant to this Act shall result in the reduction or denial of any service or program to which, pursuant to Federal law—(1) the Tribe is otherwise entitled because of the status of the Tribe as a federally recognized Indian tribe; or (2) any individual who is a member of the Tribe is entitled because of the status of the individual as a member of the Tribe.

(b) EXEMPTION.—No payment made pursuant to this Act shall be subject to any Federal or State income tax. (c) POWER RATES.—No payment made pursuant to this Act shall affect Pick-Sloan Missouri River Basin power rates.

SEC. 6. SALE OF WESTERN AREA POWER AUTHORITY POWER.

(a) IN GENERAL.—If, before the amount specified in section 4(b)(1) is deposited into the Fund, the United States sells or otherwise transfers title to the assets and income from the Western Area Power Authority to an entity other than the United States—(1) an amount of the proceeds from that sale equal to the difference between the aggregate amount that, as of the sale of power authority, had been paid into the Fund, shall be deposited in the Fund; or (2) the purchaser may assume responsibility for making payments to the Secretary of the United States for deposit in the Fund in amounts determined under section 4(b)(1).

(b) SECURITY.—If a purchaser assumes the responsibility for making the payments and shall provide the Tribe with appropriate security to secure those payments.

By Mr. LEAHY: S. 1906. A bill to require the Senate to remain in session to act on judicial nominations pending before the Committee on Rules and Administration.

THE JUDICIAL EMERGENCY RESPONSIBILITY ACT OF 1998

Mr. LEAHY. Mr. President, last week, faced with five outstanding vacancies on the 13-member Court, Chief Judge Winter of the United States Court of Appeals for the Second Circuit certified the judicial emergency caused by these continuing vacancies, began canceling hearings and took the unprecedented step in the Second Circuit of authorizing 3-judge panels to be composed of two visiting judges and only one Second Circuit Judge.

The Judiciary Committee has referred the Senate to the nomination of Judge Sotomayor to the Second Circuit, but her nomination continues to sit on the Senate calendar. Her nomination was received back in June 1997. She was favorably reported by a Committee vote of 13-0. The Committee finally considered her nomination. She is strongly supported by both New York Senators, yet the nomination continues to languish without consideration.

Three additional outstanding Second Circuit nominees are pending before the Judiciary Committee and await their confirmation hearings. Judge Rosemary Pooler was nominated back on November 6, 1997, as was Robert Sack, a partner in the law firm of Gibson Dunn & Crutchler. The final pending nomination to the Second Circuit was received two months ago, back on February 11, when the President nominated Chester J. Straub, a partner in the law firm of Wilkie Farr & Gallagher.

I have been urging action on the nominees to the Second Circuit for many months. The Senate is failing in its obligations to the people of the Second Circuit, to the State of New York, Connecticut and Vermont. We should call an end to this stall and take action.

Last Friday I urged consideration of the nomination of Judge Sotomayor without further delay and requested that the Judiciary Committee proceed to hold the necessary hearings on the three other Second Circuit nominees this week so that they, too, might be confirmed before the upcoming recess. Last week I believe that the Senate should be leaving for two weeks' recess and leaving the Second Circuit with vacancies for which it has qualified nominations pending. This is too reminiscent of the government shutdown only a couple of years ago and the numerous times of late when the Republican congressional leadership has recessed without completing work on emergency supplemental and disaster relief legislation.

In his most recent Report on the Judiciary the Chief Justice of the United States Supreme Court warned that persisting vacancies would harm the administration of justice. The Chief Justice of the United States Supreme Court pointedly declared: "Vacancies cannot remain at such high levels indefinitely without eroding the quality of justice that traditionally has been associated with the federal judiciary." The people and businesses in the Second Circuit need additional federal judges confirmed by the Senate. Indeed, the Judicial Conference of the United States recommends that in addition to the 5 vacancies, the Second
Circuit be allocated an additional 2 judgeships to handle its workload. The Second Circuit is suffering harm from Senate inaction. That is why the Chief Judge of the Second Circuit had to declare the Circuit in a state of emergency.

Must we wait for the administration of justice to disintegrate further before the Senate take this crisis seriously and act on the nominees pending before it? I hope not.

As part of my efforts to encourage the Senate to do its job, I am today introducing the Judicial Emergency Responsibility Act. The purpose of this bill is to supplement the law by which Chief Justice Winter certified the emergency and to require the Senate to resume the practice of acting on judicial nominations before it recesses for significant stretches of time when a Circuit Court is suffering from a vacancy emergency.

I urge prompt action on the bill and immense appreciation on the nomination of Judge Sonia Sotomayor to the Second Circuit.

By Mr. DASCHLE:
S. 1907. A bill to amend the Internal Revenue Code of 1986 to allow a refundable tax credit for wetland restoration and conservation expenses; to the Committee on Finance.

WETLANDS RESTORATION AND CONSERVATION INCENTIVES.—For purposes of this subsection, the term 'wetland restoration expenditure' means an expenditure for the restoration of a farmed wetland or prior converted wetland exclusively for conservation purposes. The full credit may be taken in the year in which the deed restriction is recorded.

Mr. President, Americans increasingly are becoming aware of the tremendous environmental benefits that wetlands provide. From critical waterfowl habitat to reducing the severity of flooding, wetlands are a critical component of our landscape. What may not be as widely appreciated is the nature of the farmer’s role in protecting this resource.

The time has come for us to both acknowledge the contributions made by farmers to the conservation of wetlands and provide them with appropriate incentive to preserve them. Farmers should not be penalized for doing the right thing. This legislation will take a giant step toward making it financially beneficial to conserve wetlands.

I urge my colleagues to join me in supporting this legislation. It represents an idea that is popular with conservation organizations as well as producers, and I am hopeful that Congress will enact it in the very near future. I ask unanimous consent that the full 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. 1907

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

SECTION 1. REFUNDABLE CREDIT FOR WETLAND RESTORATION AND CONSERVATION EXPENSES.

(a) IN GENERAL.—Subpart C of part IV of subchapter A of chapter I of the Internal Revenue Code of 1986 (relating to refundable credits) is amended by redesignating section 35 the following new section:

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SECTION 1. REFUNDABLE CREDIT FOR WETLAND RESTORATION AND CONSERVATION EXPENSES.
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(b) WETLAND RESTORATION CREDIT.—

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(1) IN GENERAL.—The wetland restoration credit for any taxable year is an amount equal to 50% of the wetland restoration expenditure paid or incurred by the eligible taxpayer during such taxable year.
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(2) LIMITATION.—The credit under this subsection is allowed as a credit against the tax imposed by this subtitle for the taxable year in an amount equal to the sum of—
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(A) the wetland restoration credit, plus
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(B) any credits allowable under sections 36 and 38 for the taxable year attributable to the same wetland restoration expenditure.
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(3) APPLICABILITY.—The credit under this subsection is available only in the taxable year in which the wetland restoration expenditure occurs.
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(c) RULES OF CONSTRUCTION.—The term 'wetland restoration expenditure' means an expenditure for the restoration of a farmed wetland or prior converted wetland to fully functioning wetland condition—

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(1) paid or incurred during the first 5 years of the qualified conservation agreement or qualified conservation easement relating to such farmed wetland or prior converted wetland
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(2) paid or incurred to the extent such expenditure is made pursuant to a qualified conservation agreement or qualified conservation easement
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(3) paid or incurred to the extent such expenditure is made pursuant to any Federal or State law.
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As a nation, we have recognized the dilemma this presents and have taken steps in the past to provide farmers with a means of obtaining some value for their efforts to protect wetlands. For years the Department of Agriculture has allowed farmers to enroll wetlands into the Wetland Reserve Program, while the U.S. Fish and Wildlife Service has worked with conservation groups to provide farmers with long-term easement options. Recently, Congress enacted legislation I sponsored to allow farmers to enroll wetlands in the Conservation Reserve Program.

Unfortunately, due to the funding cap, many farmers cannot enroll their wetlands into the CRP while others are reluctant to use the WRP or U.S. Fish and Wildlife easements. Consequently, despite these efforts, many wetlands throughout this country continue to present farmers with a challenge: ensuring their protection without any compensation.

In addition, over the last century, many wetlands have been drained, filled or otherwise degraded. These areas represent a vast reservoir of potentially important wetlands that could provide useful environmental functions if fully restored. The time has come for Congress to establish a more comprehensive set of incentives to both restore degraded wetlands and ensure their long-term protection.

Under the legislation I am introducing today, owners of wetlands, farmed wetlands and prior-converted croplands that are surrounded by or immediately adjacent to actively farmed cropland in the same ownership are eligible for a tax credit. To take advantage of it, farmers must restore to fully functioning condition their farmed wetlands or prior converted croplands condition according to a restoration plan approved by the Natural Resources Conservation Service. A tax credit equal to the restoration costs will be available under this bill. To protect the water quality of wildlife values, a maximum of three associated acres of non-wetland may be eligible for the credit for every acre of wetland. To ensure that the federal government does not pay twice to protect the same wetlands, those enrolled in CRP or WRP are not eligible for this credit.

The bill provides a tax credit equal to 50% to 70% of the soil-specific Conservation Reserve Program (CRP) rental rate for eligible wetland and associated non-wetland acres, plus any certification fee. This may be taken in each year of the conservation agreement in which eligible land is not used for agricultural production or drained, dredged, filled, leveled, or otherwise manipulated for that purpose.

A farmer who enters into an agreement to conserve the eligible wetland and associated non-wetland acres for a period of not less than 10 years will receive 50% of the annual CRP rental rate; a farmer who agrees to conserve the wetland for not less than 20 years will receive 60% of the annual CRP rental rate; and a farmer who agrees to conserve the wetland for 30 years will receive 70% of the annual CRP rental rate. Certification of compliance with the agreement must be made at least every 5 years.

As a long-term alternative to the conservation credit, farmers may opt for an easement credit, which would be equal to the fair market value of the land in agricultural use, as determined by a certified appraisal. This would be based on the charitable donation by the landowner of a deed restriction, granted in perpetuity on the use which may be made of the eligible land to a qualified conservation organization, exclusively for conservation purposes.
Sec. 101. Definitions.

Sec. 102. Eligibility.

Sec. 103. Determination of Value.

Sec. 104. Election.

Sec. 105. Special Rules.
from the managed care payment rate, beginning in January 1999 and pay these funds directly to hospitals. These payments must go directly to hospitals that serve the poor. I urge my colleagues to join me in supporting the Managed Care Fair Payment Act of 1998.

I ask unanimous consent that the full 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. 1908

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 “Managed Care Fair Payment Act of 1998.”

SEC. 2. CARVING OUT DSH PAYMENTS FROM PAYMENTS TO MEDICARE+CHOICE ORGANIZATIONS AND PAYING THE AMOUNT DIRECTLY TO DISPROPORTIONATE SHARE HOSPITALS.

(a) In General.—Section 4228(c)(5) of the Social Security Act ((42 U.S.C. 1395w-23(c)(5)), as inserted by section 4001 of the Balanced Budget Act of 1997, is amended—

(1) in subparagraph (A), by striking “subparagraph (B)” and inserting “subparagraphs (B) and (D)”;

(2) by redesignating subparagraph (D) as subparagraph (E), and

(3) by inserting after subparagraph (C) the following:

“(D) THE EFFECT OF THIS ACT:—For purposes of this act, the term “disproportionate share hospital” means the hospital in the same manner as the amount of payment is determined under this clause for disproportionate share hospitals.”.

By Mr. McCAIN:

S. 1909. A bill to repeal the telephone excise tax; to the Committee on Finance.

THE TELEPHONE EXCISE TAX REPEAL ACT OF 1998

Mr. McCAIN. Mr. President, I rise to offer a bill to repeal the three percent federal excise tax that all Americans pay every time they use a telephone.

Under current law, the federal government taxes you three percent of your monthly phone bill for the so-called “privilege” of using your phone lines. This tax was first imposed one hundred years ago. To help finance the Spanish-American War, the federal government taxed telephone service, which in 1898 was a luxury service enjoyed by relatively few. The tax reappeared as a means of raising revenue for World War I, and continued as a revenue raiser during the Great Depression, World War II, the Korean and Vietnam Wars, and the chronic federal budget deficits of the last twenty years.

Earlier this month, however, we received some long-overdue good news: thanks to the Balanced Budget Act enacted by the Congress in 1997, the Congressional Budget Office projected an $8 billion federal budget surplus for 1998. Mr. President, that announcement should mark the end of the federal phone excise tax.

Here’s why. First of all, the telephone is a modern-day necessity, not like alcohol, or furs, or jewelry, or things people call “privilege.” And a tax on telephone service when it enacted the 1996 Telecommunications Act is an unfair, wrong, and that must be stopped.

Mr. President, the fact that the Telecom Act is imposing new charges on consumers’ bills makes it absolutely incumbent upon us to strip away any unnecessary old charges. And that means the telephone excise tax.

Mr. President, the telephone excise tax isn’t a harmless artifact from bygone days. It collects money for wars that are already over, and for budget deficits that no longer exist, from people who can least afford to spend it now. It was passed when people were in the midst of paying off huge war bills to foot the 1996 Telecom Act gets implemented. That’s unfair, that’s wrong, and that must be stopped.

San Juan Hill and Pork Chop Hill have now gone down in history, and so should this tax.

Mr. President, I ask unanimous consent that the text of the bill appear in the RECORD.

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

S. 1909

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

SECTION 1. REPEAL OF TELEPHONE EXCISE TAX.

(a) In General.—Effective with respect to amounts paid pursuant to bills first rendered on or after January 1, 1999, subchapter B of chapter 33 of the Internal Revenue Code of 1986 (26 U.S.C. 4251 et seq.) is repealed. For purposes of the preceding sentence, in the case of communication services rendered before December 1, 1998, for which a bill has not been rendered before January 1, 1999, a bill shall be treated as having been first rendered on December 31, 1998.

(b) CONFORMING AMENDMENT.—Effective January 1, 1999, the table of subchapters for...
such chapter is amended by striking out the item relating to subchapter B.

By Mr. DAMATO—S. 1911. A bill to amend the Internal Revenue Code of 1986 to provide a $500 nonrefundable credit to individuals for the payment of real estate taxes; to the Committee on Finance.

THE WORKING MIDDLE-CLASS TAX RELIEF ACT

Mr. DAMATO. Mr. President, last year, the Congress delivered some long-overdue and much-deserved tax relief to the American people. The Taxpayer Relief Act of 1997 provided the first middle-class tax cut in 16 years.

The tax cuts we passed last year are making a difference in the monthly budgets of working middle-class families. But we can and we must do more. These families still send too much of their hard-earned money to Washington. And between federal, state, and local taxes, the average American’s tax bill is nearly 35 percent of their total income. In fact, most Americans spend more time working to pay their tax bills than they spend working to provide food, clothing, and shelter combined. We absolutely must continue our efforts to reduce the tax burden.

One area that escaped our tax-cutting efforts last year was the enormous property tax bills paid by homeowners. Last year, hardworking Americans paid about $200 billion in real-estate property taxes. This was more than one-and-one-half times what individuals paid in state income taxes.

In addition, property tax rates have increased almost twice as fast as inflation. Property taxes are spiraling out of control, and the time has come to give homeowners some basic relief.

Homeownership is the American dream, but that dream now comes with a tax bill that puts a heavy burden on working families. This property tax bill also provides a disincentive to any young couple considering purchasing a home. We in Washington should change that equation—we should be doing everything we can to encourage and assist homeownership.

Today, I am introducing the “Working Middle-Class Tax Relief Act of 1998.” This bill will allow homeowners to take a federal tax credit for the first $500 of property taxes paid on their personal residence. The Working Middle-Class Tax Relief Act will provide real help to working families who are struggling to make ends meet, and it will send a strong message that homeownership can become a reality for all Americans.

Here are a few examples of how my bill works. Under current law, there are nearly 36 million taxpayers who do not get any savings on property taxes because they don’t file an itemized federal tax return. Under my bill, every dollar of property tax that they pay up to $500 would be returned to them in the form of federal tax savings.

Of course, millions of other Americans do itemize. Take, for example, a typical family of four with a taxable income of $42,000, and a property tax bill of $3,000. Under current law they receive a $450 federal tax benefit. By turning the first $50 of property taxes into a tax credit, my legislation would give this typical family an additional $425 savings, for a total tax benefit of $875.

This savings to homeowners could cut their property tax bill by one-third or more, and in some cases wipe it out completely. This legislation shall allow working families keep more of their money. That’s the way it should be. After all, the American people know how to manage their own money much better than Washington does.

The Working Middle-Class Tax Relief Act is real savings for the 66 million Americans who have realized the dream of owning a home, and it will help millions more achieve that dream.

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:

[Printed in the RECORD, as follows:

S. 1911

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 “Working Middle Class Tax Relief Act of 1998.”

SEC. 2. NONREFUNDABLE TAX CREDIT FOR REAL ESTATE TAXES ON PRINCIPAL RESIDENCE.

(a) IN GENERAL.—Subpart A of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to nonrefundable personal credits) is amended by inserting after section 25A the following:

SEC. 25B. REAL ESTATE TAXES ON PRINCIPAL RESIDENCE.

(1) the applicable dollar amount, or

(2) the amount allowable as a deduction under section 164 (determined without regard to subsection (c)) (hereafter for State, local, and foreign real property taxes paid or accrued by the taxpayer on property for periods the property was owned and used by the taxpayer as the taxpayer’s principal residence.

(b) DEFINITIONS AND SPECIAL RULES.—For purposes of this section:

(1) APPLICABLE DOLLAR AMOUNT.—The applicable dollar amount shall be determined in accordance with the following table:

<table>
<thead>
<tr>
<th>Year</th>
<th>Dollar Amount</th>
</tr>
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<tbody>
<tr>
<td>1999</td>
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<td>$200</td>
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<tr>
<td>2001</td>
<td>$300</td>
</tr>
<tr>
<td>2002</td>
<td>$400</td>
</tr>
<tr>
<td>2003 and以后</td>
<td>$500</td>
</tr>
</tbody>
</table>

(2) PRINCIPAL RESIDENCE.—The term “principal residence” has the meaning given such term by section 121, except that the period for which a dwelling unit is treated as a principal residence of the taxpayer shall include the 30-day period ending on the first day on which it would (but for this paragraph) be treated as the taxpayer’s principal residence.

This legislation would exempt up to 25 Guard and Reserve general officers from the service’s active duty ceilings specified in 10 U.S.C. 526. Our proposed legislation would exempt full-time active duty guard and reserve general officers from the limit in title 10. But we only allow the exemption so it does not exceed one percent of the current limit of 877 general officers.

This legislation will encourage the military services to assign guard/reserve general officers to a wider variety of non-traditional assignments allowing these general officers to gain a greater depth of experience. The legislation will greatly enhance the total force idea, by providing a more seamless integration of the reserve and active component senior leadership.

By Mr. FORD (for himself and Mr. BOND):

S. 1912. A bill to amend title 10, United States Code, to exclude additional reserve component general and flag officers from the limitation on the number of general or flag officers who may serve on active duty; to the Committee on Armed Services.

NATIONAL GUARD LEGISLATION

Mr. FORD, Mr. President, today I join Senator BOND, my fellow co-chairman of the National Guard Caucus, in introducing legislation to allow the Secretary of Defense to increase the number of National Guard and reserve generals on active duty.

Deputy Secretary of Defense John Hamre brought it to our attention that under current law, guard and reserve general officers brought on active duty for more than 180 days count against the service’s active duty ceilings specified in 10 U.S.C. 526. Our proposed legislation would exempt full-time active duty guard and reserve general officers from the limit in title 10. But we only allow the exemption so it does not exceed one percent of the current limit of 877 general officers.

This legislation will encourage the military services to assign guard/reserve general officers to a wider variety of non-traditional assignments allowing these general officers to gain a greater depth of experience. The legislation will greatly enhance the total force idea, by providing a more seamless integration of the reserve and active component senior leadership. Senator BOND and I also believe this legislation will foster a greater appreciation by the active duty service leadership of the expertise available from the guard and reserve community.

This legislation would eliminate the disincentive to expand guard and reserve general officers assignments by easing the one-for-one reserve component versus active component offset. There are currently 22 Guard and Reserve general officers on full time active duty. All but three of those officers are not directly related to Guard and Reserve matters. This legislation would exempt up to 25 Guard and Reserve general officers
This section amends Section 526 by adding a provision to exempt a number of Reserve and Guard general and flag officers serving on full-time active duty from the limits of subsection (a).

By Mr. BAUCUS (for himself and Mr. BURNS):

S. 1912

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

SECTION 1. EXCLUSION OF ADDITIONAL RESERVE COMPONENT GENERAL AND FLAG OFFICERS FROM LIMITATION ON NUMBER OF GENERAL AND FLAG OFFICERS WHO MAY SERVE ON ACTIVE DUTY.

Section 526(d) of title 10, United States Code, is amended to read as follows:

"(d) (1) Subject to paragraph (2), the limitations of this section do not apply to the following reserve component general or flag officers:

(A) A general or flag officer who is on active duty for training.

(B) A general or flag officer who is on active duty under a call or order specifying a period of more than 179 days.

(C) A general or flag officer who is on active duty under a call or order specifying a period of more than 179 days.

(2) The number of general or flag officers of an armed force covered by paragraph (1)(C) at any one time may not exceed the number of general and flag officers specified for that armed force under subsection (a)."

AUTHORIZED STRENGTH: GENERAL AND FLAG OFFICERS ON ACTIVE DUTY

SECTION BY SECTION ANALYSIS

Section 526(a) limits the number of general and flag officers on active duty in the Army (382), Air Force (270) and Marine Corps (80). Section 526(d), title 10, United States Code provides that these limits do not apply to reserve general or flag officers who are on active duty for training or who are on active duty under a call or order specifying a period of less than 180 days.

The intent of the proposed language is to exempt Reserve General and Flag Officers who are on active duty during a training or call to duty period.

RESERVE/GUARD GENERAL/FLAG OFFICER EXEMPTION JUSTIFICATION

Currently, any Reserve or Guard general officer ordered to active duty for a period of more than 179 days counts against the Service’s active duty general and flag officer limit.

Greater participation by Reserve and Guard sends a positive message in the day-to-day planning, decision-making and execution will lead to a more seamless Total Force and will immeasurably benefit both the Reserve and Active Components. Reserve and Guard officers will gain greater depth of experience from their full-time assignment and Active Component will gain greater understanding of the assets the Reserve and Guard community bring to the table.

This legislation will also encourage the Services to assign Reserve and Guard general and flag officers during the planning phase, to include joint assignments.
this legislation for the benefit of America’s fish and wildlife heritage.

Mr. President, I urge my colleagues to join me in supporting this important bill.

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. 1913

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

SEC. 1. SHORT TITLE.

This Act may be cited as the “Montana Fish and Wildlife Conservation Act of 1998”.

SEC. 2. FINDINGS.

Congress finds that—

(1) it is in the interest of the United States for the Secretary of the Interior to sell leaseholds at Canyon Ferry Reservoir in the State of Montana for fair market value if the proceeds from the sale are used—

(A) to establish a trust to provide a permanent source of funding to acquire access or other property interests from willing sellers to conserve fish and wildlife and to enhance public hunting and fishing opportunities at the Reservoir and along the Missouri River;

(B) to sell a fund to be used to acquire access or other property interests from willing sellers to increase public access to Federal land in the State of Montana and to enhance hunting and fishing opportunities; and

(C) to reduce the Pick-Sloan project debt for the Canyon Ferry Unit;

(2) opportunities in the State of Montana, including the Rock Creek Trust and the Montana Power Company Missouri-Madison Trust, have provided substantial public benefits by conserving fish and wildlife and by enhancing public hunting and fishing opportunities in the State of Montana;

(3) many Federal lands in the State of Montana do not have suitable public access, and establishing a fund to acquire easements to those lands from willing sellers would enhance public hunting and fishing opportunities in the State of Montana;

(4) the sale of the leaseholds at the Reservoir will reduce Federal payments in lieu of taxes and associated management expenditures, and the ownership by the Federal Government of the leaseholds while increasing local tax revenues from the new owners of the leased lots; and

(5) the sale of the leaseholds at the Reservoir will reduce expensive and contentious disputes between the Federal Government and leaseholders, while ensuring that the Federal Government receives full and fair value for the acquisition of the property.

SEC. 3. DEFINITIONS.

In this Act:

(A) the term “CFRA” means the Canyon Ferry Recreation Association, Incorporated, a Montana corporation.

(B) the term “Fund” means the Montana Fish and Wildlife Access Fund established under section 6(a).

(C) the term “lessee” means the holder of a leasehold described in section 4(b) as of the date of enactment of this Act, and the holder’s heirs, executors, and assigns of the holder’s leasehold interest.

(D) the term “Purchaser” means the entity that purchases the 265 leaseholds under section 4.

(E) the term “Secretary” means the Secretary of the Interior.

(F) the term “Secretary” means the Secretary of the Interior.

(G) the term “Trust” means the term “Trust” means the Secretary of the Interior.

(H) the term “Trust” means the Secretary of the Interior.

SEC. 4. SALE OF LEASEHOLDS.

(a) In General.—Subject to subsection (c) and notwithstanding any other provision of law, the Secretary shall sell at fair market value—

(1) all right, title, and interest of the United States in and to each (but not fewer than all) of the leaseholds described in subsection (b), subject to valid existing rights; and

(2) easements for—

(A) vehicular access to each leasehold; and

(B) access to and the use of 1 dock per leasehold;

(c) PURCHASE PROCESS.—

(1) IN GENERAL.—The leaseholds to be conveyed are—

(A) the 365 cabin sites of the Bureau of Reclamation located along the northern portion of the Reservoir in portions of sections 2, 11, 13, 15, 22, 23, and 26, Township 10 North, Range 1 West; plus

(B) any small parcels contiguous to the leaseholds (not including shoreline property or property needed to provide public access to the shoreline) that the Secretary determines should be conveyed in order to eliminate inholdings and facilitate administration of surrounding land remaining in Federal ownership.

(2) ACRESAGE; LEGAL DESCRIPTION.—The acreage and legal description of each property shall be agreed on by the Secretary and the Purchaser.

(3) RIGHTS OF FIRST REFUSAL.—If the highest bid above the minimum bid determined under paragraph (2) is unacceptable to the Secretary, the Purchaser shall—

(A) contribute to the Trust the amount of that bid; and

(B) pay the Secretary for deposit in the Treasury of the United States an amount equal to 25 percent of the purchase price of the leaseholds;

(4) HISTORICAL USE.—The Purchaser shall—

(A) pay the Secretary for deposit in the Treasury of the United States an amount equal to 10 percent of the purchase price of the leaseholds;

(B) pay the Secretary for deposit in the Treasury of the United States an amount equal to 10 percent of the purchase price of the leaseholds; and

(C) pay the Secretary for deposit in the Treasury of the United States an amount equal to 10 percent of the purchase price of the leaseholds.

SEC. 5. CANYON FERRY-MISSOURI RIVER TRUST.

(a) ESTABLISHMENT.—The Secretary shall establish a trust to provide a permanent source of funding for the Secretary to sell leaseholds at a price equal to the amount of the purchase price of the leaseholds; and

(b) MANAGEMENT.—Land and interests in property needed to provide public access at the Reservoir and along the Missouri River and its tributaries from the confluence of the Madison River, Gallatin River, and Jefferson River downstream to the Reservoir.

(c) USE.—

(1) MEMBERSHIP.—The Trust shall be managed by representatives of the United States of America in Congress assembled, including the Secretary.

(2) CONSULTATION.—In managing the Trust, the Board of Directors shall consult with representatives of—

(A) the Bureau of Reclamation;

(B) the Forest Service;

(C) the Bureau of Land Management;

(D) the U.S. Fish and Wildlife Service;

(E) the Montana Department of Fish, Wildlife, and Parks;

(F) the Montana Science Institute at Canyon Ferry, Montana; and

(G) local governmental bodies (including the Lewis and Clark and Broadwater County Commissioners).

(d) USE.—

(1) PRINCIPAL.—All principal amounts of the Trust shall be invested in a way that is consistent with the purposes described in subsection (a).

(2) EARNINGS.—Earnings on amounts in the Trust shall be used to carry out subsection (a) and to administer the Trust.

(3) MANAGEMENT.—Land and interests in land acquired under this section shall be managed for the purposes described in subsection (a).

SEC. 6. MONTANA HUNTER AND FISHERMAN ACCESS FUND.

(a) ESTABLISHMENT.—There is established in the Treasury of the United States an interest-bearing account, to be known as the Access Fund.
Mr. GRASSLEY. The legislation I am introducing today will make many badly-needed reforms to the business provisions of the bankruptcy code. This legislation will provide—for the first time ever—new protections for patients of hospitals and HMOs and nursing homes that declare bankruptcy. Under current law, the bankruptcy process is oriented toward protecting the interests of creditors and helping the debtor corporation reorganize. And that is all we need most of the time.

But in the case of hospitals and HMOs and nursing homes, patients are different. Patients are unique, vulnerable, and Congress needs to take special care to ensure that patients are protected during the bankruptcy process. For that reason, this bill allows a bankruptcy judge to appoint an ombudsman to make sure that the bankruptcy process is fair to patients. If the ombudsman determines that the quality of patient care is declining, he must notify the bankruptcy court so that corrective action can be taken.

This legislation also requires that the bankruptcy trustee ensure patients are transferred to other hospitals when a health care provider winds down. Under current bankruptcy law, there's no such requirement. Under current law, patients could just be thrown out and have nowhere to go. Congress can't let that happen.

Importantly, to the extent that there are some State laws which already require a State agency to place patients when health care providers go under, this legislation will allow those agencies to recoup their expenses from the estate of the bankrupt health care provider. Otherwise, the bankruptcy code forces State taxpayers to pay for something which should be paid for by the defunct health care provider.

Following a recommendation of the National Bankruptcy Review Commission, this legislation provides an important new protection for employee health care and pensions. Under current law, if money is withheld from wages to pay for health care insurance or pension contributions, and a company declares bankruptcy before the withheld money is actually transferred, then the bankruptcy code prohibits the company from transferring this money. In practical terms, this means that workers are losing their health insurance and forfeited pension contributions. I think this is wrong. So, my legislation will create a special carve out so that withheld money can go for its intended purpose.

The Business Bankruptcy Reform Act also makes several changes to the way securities transactions are treated under the bankruptcy code. Many of these changes are supported by the administration. I would call my colleagues' attention to one provision in particular which all know, home mortgage rates are at an all time low, allowing many Americans to purchase homes for the first time or to move into a larger home to accommodate a growing family. One factor in keeping mortgage interest rates very low is the existence of a robust secondary market where mortgage lenders can spread the risk by issuing securities backed up by home mortgages. With the risk spread by a securities market, mortgage lenders can make loans at lower interest rates.

Unfortunately, a provision of the bankruptcy code threatens to undermine the viability of this important secondary market. And if the secondary market dries up, then lenders will have to raise interest rates. Under current law, it isn't clear that the income stream belongs to the purchasers of mortgage-backed and other asset-backed securities.

On another topic, this legislation enacts the model law on international bankruptcy proceedings. When I was on the National Bankruptcy Review Commission, all last year to tighten up the bankruptcy system and provide new consumer protections when creditors use abusive tactics. The legislation I am introducing today will make many badly-needed reforms to the business provisions of the bankruptcy code. This legislation will provide—for the first time ever—new protections for patients of hospitals and HMOs and nursing homes that declare bankruptcy. Under current law, the bankruptcy process is oriented toward protecting the interests of creditors and helping the debtor corporation reorganize. And that is all we need most of the time.

But in the case of hospitals and HMOs and nursing homes, patients are different. Patients are unique, vulnerable, and Congress needs to take special care to ensure that patients are protected during the bankruptcy process. For that reason, this bill allows a bankruptcy judge to appoint an ombudsman to make sure that the bankruptcy process is fair to patients. If the ombudsman determines that the quality of patient care is declining, he must notify the bankruptcy court so that corrective action can be taken.

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electric utility steam generating units, commercial and industrial boiler units, solid waste incineration units, medical waste incinerators, hazardous waste combustors, chlor-alkali plants, and Portland cement plants to reduce emissions of mercury to the environment and for other purposes; to the Committee on Environment and Public Works.

OMNIBUS MERCURY EMISSIONS REDUCTION ACT OF 1998

Mr. LEAHY. Mr. President, today I am introducing the "Omnibus Mercury Emissions Reduction Act of 1998." As United States Senators, we all have a responsibility to build a nation for our children. As a recent grandfather, this commitment has never been more real for me. I am introducing this comprehensive piece of legislation to eliminate mercury—one of the last remaining poisons without a specific control strategy—from our air, our waters and our forests. By eliminating mercury from these resources, we will protect our nation’s most important resource—our children and grandchildren.

As we learned from the campaign to eliminate lead, our children are at the greatest risk from these poisons. I often ask myself how many Albert Einsteins have we lost in the last generation because of the toxics they have been exposed to? Just as with lead, we know that mercury has much greater effects on children at very low levels of exposure than it does on adults. The level of lead pollution we and our children breathe today is one-tenth what it was a decade ago. That figure by itself is a tribute to the success of the original Clean Air Act. I want to achieve the same results with mercury.

Mercury is toxic in every known form and of utterly no nutritional value. At high enough levels it poisons its victims in terribly tragic ways. In Japan, the mercury poisoning came to be known as suffering from Minimata Disease, which took its name from the small Minimata Bay in which they caught fish for their food.

For years, the Chisso Company discharged mercury contaminated pollution in the Bay, which was taken into the flesh of fish and then the people who ate them. Their disease was frightfully painful, causing tremors and paralysis, and sometimes leading to death. The discharge of mercury like those in Minimata Bay have been eliminated. But a torrent of air pollution still needlessly pours this heavy metal into the air of North America, poisoning lakes and streams, forests and fields and—most importantly—our children. Mercury control needs to be a priority now because we know, without a doubt, of the neurological damage it causes.

This is not to say that men, women and children are doubled over in agony as they were three decades ago in Japan. But wildlife are being killed—we know that endangered Florida panthers have been fatally poisoned by mercury and that loons are endangered as well. In Lake Champlain we now have fish advisories for walleye, trout and bass even though we have relatively no mercury emissions within our own state borders.

Instead, other states are exposed to mercury and other pollutants that blow across Lake Champlain and the Green Mountains every day from other regions of the country. The waste incinerators and coal-fired power plants are now accosting the people of Vermont and therefore a federal role is needed to control the pollution.

That is part of the reason voters send us here. They expect Members of the Congress to do what is necessary to protect the public health and the environment nationally, then require it. And in many cases, perhaps most, we have done that. But not with respect to mercury.

Mr. President, what I propose is that we put a stop to this poisoning of America. It is unnecessary, and it is wrong. Mercury can be removed from products, and it has been done. Mercury can be removed from coal-fired power plants, and it should be done. With states deregulating their utility industries, this is the best opportunity to make sure powerplants begin to internalize the cost of their pollution. We cannot afford to give them a free ride into the next century at the expense of our children’s health.

So, too, should mercury be purged from chlor alkali plants, medical waste incinerators, municipal combustion facilities, large industrial boilers, landfill, lighting fixtures and other known sources.

My bill directs EPA to set mercury emission standards for the largest sources of mercury emissions. The bill requires reducing emissions by 95 percent, but it also lets companies choose the best approach to meet the standard at their facility whether through the use of better technology, cleaner fuels, process changes, or product switching. The real question is, how much implementing this bill will cost. In advance of those complaints I want to make two points. First, when we were debating controls for acid rain we heard a lot about the enormous cost of eliminating sulphur dioxide. But what we learned from the acid rain program, is that when you give industry a financial incentive to clean up their act they will find the cheapest way. More often than not, assertions about the cost of controlling pollution grossly overestimate and distort reality. If we want to make two points. First, when we were debating controls for acid rain we heard a lot about the enormous cost of eliminating sulphur dioxide. But what we learned from the acid rain program, is that when you give industry a financial incentive to clean up their act they will find the cheapest way. More often than not, assertions about the cost of controlling pollution grossly overestimate and distort reality. If you look at electricity prices of major utilities since the acid rain program was implemented, their rates have remained relatively unchanged and some have actually decreased—even without adjusting for inflation.

Secondly, and most importantly, the bottom line here should not be the cost of controlling mercury emissions, but the cost of NOT controlling mercury. While we may not be able to calculate how many Einstein’s we have lost, if we lose one the price has been too high.

By Mr. DURBIN:

Mr. DURBIN. Mr. President, I rise today to introduce a private bill for the relief of Marin Turcinovic of Croatia and his wife Corina DeChalup of France. My bill would grant permanent resident status to Marin and Corina, affording them the legal security they need to rebuild their lives in this country.

Marin Turcinovic first arrived in the United States from Croatia in January 1990. He was admitted on an H-1 visa as a member of the band Libertas. On February 8, 1990, during the period of his authorized stay, Marin was hit by a car in Fairview, New Jersey. Both his legs were shattered. His spinal cord was severed, leaving him paralyzed below the neck. He will probably never walk again. His then-fiancée, Corina DeChalup of France, immediately came to the United States. Both Marin and Corina have been in the United States since their initial entries, and neither now has legal status.

Marin requires 24-hour medical care for his survival. An insurance settlement from the car accident litigation provides Marin with lifetime medical care. But the system is expensive, and it requires him to build a specially modified house located in the Beverly community of Chicago. According to Marin’s lawyers, the insurance settlement that provides for Marin’s lifetime shelter and medical care would not cover him at another location. A medical malpractice suit against the doctors who initially provided care to Marin is pending.

Corina and Marin married in February 1996, 6 years after his accident. Corina is an essential part of Marin’s life. She has been with Marin throughout his ordeal. Marin’s lawyers hired her and she has been instrumental in coordinating his medical care. She has directly provided care for Marin, and he could never have reached the degree of recovery he now enjoys without her support.

Before arriving in the U.S., Corina, a university graduate, worked as a tour guide for a Yugoslavian tourist agency. Although her days are primarily devoted to Marin, she has the skills and desire to find part-time employment and would like to obtain authorization to work.

According to Marin and Corina’s lawyers, Marin has no way to gain permanent resident status in the U.S. Because she entered the U.S. under the visa waiver pilot program, she was subject to an order of deportation, without the right to an administrative hearing, once she overstayed her 90-day authorization. Since 1994, she has received a stay of deporta- tion in 1-year increments. She cannot currently travel to see her family in
France, and she has no assurance that her stay will be renewed from 1 year to the next.

Marin was placed in deportation proceedings in 1997 at his request. This allowed him to seek a suspension of deportation. These laws that the past has resulted in permanent resident status. Although Marin’s application was granted, the grant is conditional. If Marin’s grant does not fall within the annual quota set by the Illegal Immigration Reform and Immigration Responsibility Act of 1996, it is unclear to what status he will revert. There is a possibility that Marin would be issued an order of voluntary departure.

Corina’s status depends on Marin. If granted permanent resident status, Marin will be able to petition for Corina, but she will face a 4- to 5-year wait before qualifying for resident status, herself.

Mr. President. 8 years ago, fate tragically changed forever the lives Marin Turcinoevic of Croatia and Corina DeChalup of France. A terrible accident in the United States left Marin permanently injured, making his return home impossible. Fortunately for Marin, he had the love and support of Corina, without whom he may not have made it this far. Given the tremendous adversity that Marin and Corina already face on a day-to-day basis, I believe it appropriate for Congress to grant to Marin permanent resident status. Such status would clear up much of the uncertainty that currently clouds their future, and would allow Marin and Corina to rebuild their lives in our country with confidence.

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. 1917

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

SECTION 1. PERMANENT RESIDENCE.

Notwithstanding any other provision of law, for purposes of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.), Marin Turcinoevic and his fiancee, Corina Dechalup, shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act upon payment of the required visa fees.

SEC. 2. REDUCTION OF NUMBER OF AVAILABLE VISAS.

Upon the granting of permanent residence to Marin Turcinoevic and his fiancee, Corina Dechalup, as provided in this Act, the Secretary of State shall instruct the proper official to reduce the appropriate number during the current fiscal year the total number of immigrant visas available to natives of the country of the aliens’ birth under section 203(a) of the Immigration and Nationality Act (8 U.S.C. 1153(a)).

By Mr. DURBIN (for himself, Mr. CHAFEE, Mr. REED, and Mrs. BOXER):

S. 1917. A bill to prevent children from injuruing themselves and others with firearms; to the Committee on the Judiciary.

THE CHILD FIREARM ACCESS PREVENTION ACT

Mr. DURBIN. Mr. President, I rise today with Senators CHAFFEE, REED and BOXER, to introduce the Child Firearm Access Prevention Act.

The tragedy occurred in Jonesboro, AR, last week raises many questions. Two come to mind immediately. Why do children kill? I do not know the answer to that. I have heard a variety of opinions from people who are in a better position to understand. Violent movies are somehow contributing to this. There are others who say, if the children would just pray in school, it would make all the difference in the world. Some look to the families more than the schools; others think the schools have a greater role to play.

We will debate this at length, and I am sure many of us will come up with a lot of different explanations as to why children reach the point in their lives where they would take the life of another.

But the tragedy in Jonesboro raised another question which I think we can address because it is a simpler question. How do children at that young age get their hands on weapons? Think about it. An 11-year-old and a 13-year-old with 10 firearms—rifles, shotguns, and handguns, and 3,000 rounds of ammunition—went into the woods behind that middle school, tricked the students out with a fake fire alarm, opened fire and will off somewhere in the range of 30 to 40 rounds before they were finally stopped.

Four little girls were killed. A teacher, who deserves all of our recognition and praise for her courage, stood in the line of fire to protect one of those little girls and lost her own life. This teacher, the mother of a 2-year-old, lost her life defending her students.

How do kids come into possession of firearms, not how they? In most States it is unthinkable that they would even approach a counter and try. And yet, day after day in America there is further evidence of children, younger and younger, being found with firearms.

The day after the Jonesboro, AR, tragedy, in Cleveland, OH, a 4-year-old showed up at a day-care center with a loaded handgun.

In my home State of Illinois, in Marion, IL, a high school student showed up at school the next day with a handgun.

In Daly City, CA, the day after Jonesboro, a 13-year-old was arrested for attempting to murder his principal with a semiautomatic pistol.

There is something we can do about this. I am not sure that it will solve the problem completely, but it can help. Fifteen States have already recognized this problem and done something about it. These States have passed legislation known as a CAP law, saying to those who purchase and own handguns, it is not enough for you to follow the law in purchasing them and to use those guns safely; you have another responsibility. If you are going to own a firearm in your home, you have to keep it safely and securely so that children do not have access to it.

These laws are effective. Florida was the first state to pass a CAP law in 1989. The following year, unintentional shooting deaths of children dropped by 50 percent. Moreover, a study published in the Journal of the American Medical Association in October 1997 found that there was a 24 percent decrease in unintentional firearm related deaths among children younger than 15 in those states that had implemented CAP laws. According to the Journal of the American Medical Association, if all 50 states had CAP laws during the period of 1990–1994, 216 children might have lived.

Should we consider these state laws as a national model? I think the obvious answer is yes, because the tragedy in Jonesboro, which we will not forget for a long, long time, unfortunately, is not unique. Every day in America 14 young people, ages 19 and under, are killed in gun homicides, suicides and unintentional shootings, with many more wounded.

The scourge of gun violence frequently attacks the most helpless members of our society—our children.

Mr. President, what I propose today is Federal legislation that will apply to every State, not just 15, but every State. And this is what it says. If you want to own a handgun, a rifle or shotgun, and it is legal to do so, you can; but if you own it, you have a responsibility to make certain that it is kept safely and securely.

You may buy a trigger lock. Senator HERB KOHL of Wisconsin has a proposal that all handguns be sold with trigger locks. I support it. I am a cosponsor of it. It makes sense.

How many times do you read in the paper, how many times do you listen on TV, to kids with their playmates and the gun goes off and someone is killed? A trigger lock, as Senator KOHL has proposed, is sensible. It should be required. It shouldn’t even be debated. I think that legislation will go a long way toward reducing gun violence.

But beyond that proposal, the legislation I propose today, says to every gunowner, if it is not a trigger lock, put that gun in a place where that child cannot get to it.

As to these two kids, 11 and 13 years old, God only knows what was going through their minds when they were setting out to get the guns to go out and start shooting. They first stopped at the parents of one of the kids and wanted to pick up that parents’ guns. That parent had the guns under lock and key in a vault and they couldn’t get to them. So they thought about it and said, wait a minute, my grandpa has some over to his place. And that is where they came up with the weapons and the ammunition.
In one instance, one parent had taken the necessary steps to take the guns and keep them away from kids. Sadly, it appears—and I just say “appears” because I do not know all the details—in another case that did not happen.

Now a lot of people will say to me, “There they go again, those liberals on Capitol Hill. Another bill, another law to infringe on second amendment rights.” Oh, I know I will hear from the folks from the National Rifle Association, all the other gun lobbyists, screaming bloody murder about the second amendment.

But look at the 15 States that have already passed these child access prevention laws, to protect kids, to say to gun owners “you have a special responsibility.” You will not find a list of the most liberal States in America. The first State to pass this legislation in 1989 was Florida. The list goes on: Connecticut, Iowa, California, Nevada, New Jersey, Wisconsin, Hawaii, Maryland, Minnesota, North Carolina, Delaware, Rhode Island, and in 1995, the last State to pass a child access prevention law, certainly no bleeding heart State by any political definition, was Texas. The Texas law says it is “unlawful to store, transport or abandon an unsecured firearm in a place where children are likely to be and can obtain access to it,” and it is a criminal misdemeanor if you do it.

I ask you to reflect on the tragedies in the Senate to not only return home during this recess and to not only witness those sad events on television—the funerals in Jonesboro, the tributes—but to also resolve to do something about it. That is what we are here for. That is why we were elected to the Senate and the House, not just to be sad as we should be, but to do something about it. Not to infringe on people’s right to own firearms, but to say “own them responsibly, but then securely in your homes, keep them safely, keep them away from children.”

Mark my words, my friends, and you know this from human experience, no matter where you hide a gun or a Christmas gift, a kid is going to find it. You can stick it in a drawer and say, “Oh, they will never look behind my socks, that is the last place in the world,” or up on some shelf in the closet and believe your child can’t reach that, but you know better. You know when a gun and the house is empty those kids are scurrying around and looking in those hiding places. So I hope we can address this issue.

First, Senator Kohl’s legislation for these child safety devices, these trigger locks, will help. But then take the extra step, follow these 15 States and enact a federal law.

But please, let this Senate and this House, before we leave this year, do something to make certain that the troubled children cannot get their hands on a firearm. I think every parent in America, particularly those of children of school age, paused at least for a moment after they heard about Jonesboro and thought, could it happen to my son, my daughter, my grandson, my granddaughter? The sad reality of life in modern America, is, yes, it could. There are so many weapons being left around that it could happen to any of us or any of our children in virtually any school in America.

Mr. President, I know that the Senate has a very busy schedule and limited opportunity this year, but I hope as part of our work we will let the lesson of the tragedy of Jonesboro result in legislation that will be designed to protect children and schoolteachers and innocent future.

Mr. President, I ask unanimous consent that a copy of the legislation be printed in the RECORD.

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

S. 197
Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled:

SECTION 1. SHORT TITLE.
This Act may be cited as the “Child Firearm Access Prevention Act”.

SECTION 2. CHILDREN AND FIREARMS SAFETY.
(a) SECURE GUN STORAGE OR SAFETY DEVICE.—Section 92(a) of title 18, United States Code, is amended by adding at the end the following:

“(4) The term ‘secure gun storage or safety device’ means:

(A) a device that, when installed on a firearm, prevents the firearm from being operated without first deactivating or removing the device;

(B) a device incorporated into the design of the firearm that prevents the operation of the firearm by anyone not having access to the device;

(C) a safe, gun safe, gun case, lock box, or other device that is designed to be or can be used to store a firearm and that can be unlocked only by means of a key, a combination, or other similar means.

(b) PROMPTLY NOTIFICATION.—Section 922 of title 18, United States Code, is amended by adding at the end the following:

“(1) The term ‘promptly’ means—

(A) keeps in a locked firearm, or an unloaded firearm and ammunition for the firearm, any of which has been shipped or transported in interstate or foreign commerce or otherwise substantially affects interstate or foreign commerce, within any premise that is under the custody or control of that person; and

(B) knows, or reasonably should know, that a juvenile is capable of gaining access to the firearm without the permission of the parent or legal guardian of the juvenile.

(c) EXCEPTIONS.—(Paragraph (2) of subsection (a) of section 922(g) does not apply if—

(A) the person uses a secure gun storage or safety device for the firearm;
farm commodity prices would fall well below the costs of production and we would need a working safety net for our nation’s family farmers. In fact, the failure to have a working safety net was the primary reason that many of us could not support the 1996 farm bill.

The proponents of the Freedom to Farm law promised that a second look would be taken if rural America ran into their farm bill. As we begin the third crop year under this farm law, there is no question that large portions of rural America are in serious trouble. The economic crisis in the countryside is being demonstrated every week by the hundreds of farm auction notices that appear in rural America’s newspapers, particularly our agricultural weeklies. The sheer volume of these farm auctions demands that the farm bill debate be reopened, so that we can make the needed midcourse corrections to this farm law.

Behind the escalating exodus of farmers this spring is the underlying issue of farm commodity prices. The value of North Dakota’s spring wheat and barley crops this past year have each dropped by 41 percent from the previous year. This is a combined total of $859 million less than the year before. That’s a tremendous drain of money out of farmers’ pockets and North Dakota’s farm economy. It is why our farms are not cash flowing and our bankers are having more and more difficulty in financing their borrowers for another year.

After talking with North Dakota farmers and the agricultural community, I’m convinced the problem is not just the blizzards and floods that we have experienced in the past few years, nor is it just confined to North Dakota. There are a number of underlying problems that must be addressed within our nation’s farm policies. We need increased agricultural research to combat specific crop disease problems such as fusarium, which is also known as scab. This disease has had a devastating effect on producers in many parts of North Dakota. We need to recognize that the current Federal Crop Insurance program is not adequately addressing disaster conditions, particularly in regions which have suffered a succession of weather-related disasters. We need to address a multitude of trade issues that are adversely affecting our foreign agricultural markets, unfairly interfering in our domestic markets.

**BOTTOM LINE IS FARM PRICES**

We can talk for hours about the variety of problems that are facing farmers, but the bottom line is and always has been a commodity price that our farmers receive when they seek to sell their harvests in the marketplace. The simple fact is that ever since the passage of the 1996 farm law wheat prices have been on a downward slide, and that is putting in place to stop these prices from falling further.

Today, I am introducing legislation which would strengthen the farm commodity loan safety net, by establishing a new targeted commodity loan program geared to the actual costs of production. This is an addition to the current commodity loan program. My bill would not take anything away from producers, nor would it change any of the features of the current law. The legislation I am introducing would establish a new tier of marketing loans to provide a working safety net targeted to our nation’s family farms for wheat and feed grains.

We need a loan program that would help stabilize farm prices and thereby help farmers meet the challenges of price volatility in the marketplace.

The bill I am introducing today would add a critically important bottom line to ensure that farmers receive cost of production returns on a basic level of production. It establishes that commodity loan rates for wheat and corn must be at a minimum level of 75 percent of the economic costs of production. Other feed grain loan rates would be based on the historic relationship of using their feed equivalency value to corn. There is one more essential reform. My plan targets the benefits to family farmers. My new loan program would be available on the first 20,000 bushels of wheat, and 30,000 bushels of corn, and similar amounts for other feed grains. Farmers would have to get their harvests in at least 12 months and can be extended for another 6 months, if needed.

The U.S. Department of Agriculture has determined that the most recent five-year average of the economic costs of production for wheat is $5.00 per bushel. Under my plan, the loan rate would be pegged at a minimum of 75% of those costs. That would mean a minimum wheat loan of $3.75 per bushel, compared to the $2.58 maximum under the current law.

I am greatly concerned that the current wheat loan lags significantly behind other commodities in relationship to production costs. For example, the current maximum loan rate under the 1996 farm law for corn is 72% of its economic costs of production. The maximum loan rate under current law for soybeans is set at 89% of its costs of production. Yet, the maximum loan available for wheat under the current farm law is just 52% of the costs of production.

Equity among major farm commodities requires that Congress take a close look at why there is such a great discrepancy among loan rates for our major commodities in relationship to the costs of production of these commodities. Based on the fact that current wheat loan rates are at the lowest level in relationship to production costs, it is not surprising that wheat country is in greater economic trouble than the other sections of our nation’s agriculture.

This legislation is a companion bill to S. 26, the Agricultural Safety Net Act, introduced by Senator DASCHLE and cosponsored by myself and others. Both bills seek to improve the underlying commodity loan program and provide higher, more meaningful commodity loan rates for our producers. S. 26 would remove the commodity loan caps in the current law. As a result, commodity loan rates could actually be set at 85 percent of the simple five-year Olympic average of prices received by farmers. S. 26 provides an important cushioning effect for farm prices and would help stabilize farm prices and thereby help farmers meet the challenges of price volatility in the marketplace.

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**TARGETING FARM PROGRAMS TO FAMILY FARMERS**

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This legislation is a companion bill to S. 26, the Agricultural Safety Net
country. It is a true safety net designed to fit the typical family farmer. The simple fact is that our family farmers are the ones that have the greatest need for a safety net based on production costs. It makes good sense and good public policy to target our farm laws so that family farmers have their tax bills paid and their farm businesses into the hands of our family law system.

My plan continues to let farmers plant whatever they want, based on market signals. But it would also let them market their grain more effectively in response to those same market signals. It provides a new working safety net, and gives family farmers a tool that they do not have in a market filled with far more powerful interests and forces, most of whom want lower, not higher, prices.

There are those who are fearful that if Congress reopens the farm bill debate they need as they do business in a market filled with far more powerful interests and forces, most of whom want lower, not higher, prices.

In April we had the worst blizzard ever—the city of Hebron was without electricity for 24 hours, but we didn’t lose 10% of the time. A “city” friend and classmate of George’s called during the blizzard to say he just loved a good blizzard—my perspective was different because I started a chronicle of the storm, the events that went with it, and the aftermath in a blow-by-blow account that took 1 typed page; it was my way of coping and I handled everything fine at the time but now I can’t read it without crying. Jason was off the farm during the whole thing but Glendon was here and such a wonderful helper.

March had gone out like a lamb with 60 degree days. The predictions were the storm would come but when it happened it was snow with wind and it would end Friday night. We had just bought another large portable (can be moved with two tractors) calf shelter, so now had two, and have lots of corrals, wind breaks, protection, feed and hay on hand—so felt pretty confident we were ready.

The storm actually raged all day Friday, Saturday, and on into Sunday afternoon with gusts through the evening. We got some outrageous amounts of snow—after twenty-four inches it seemed ridiculous.

The cattle started running with the storm, the guys were able to get them turned around and back to corrals but that was just the beginning. We chased different herds into protected areas (of course they don’t want to go), then we worked on getting 70 calves into the calf shelter and decided to haul those that were freezing from the corrals into the barn (the pick-ups, tractors or bobcat could get through the snow). George bought one calf while I tried to help Glendon bring another—going up hill and fighting the wind in thigh deep snow—I just couldn’t do it but the barn, decided they were in such bad shape if we were going to save them they would have to go to the house so took them there, then reassessed. Glendon said, “If we do another trip I’ll have to pull Mom and the calf, in the calf sled, up hill, in the blizzard!”

And that was the truth of it. The tractor was still working, but they couldn’t get the tractor to the shop to weld it so in the raging blizzard they brought the welder, on a calf sled, from the shop to the house, put the guy who did the welding in it. I drove the tractor up on the porch and welded it in the kitchen doorway—twice. The stories just go on and on (guess you had to be there!) The most powerful thing was when the blizzard came in exhausted, took a quick nap and went back out. At 7:30 Saturday morning they were coming in for supper when they heard loud cracks in the barn—the roof beams were cracking from the weight of the snow! They stayed out and shoved off the snow until the roof held 11:30 (figured only about 5,000 tons of snow and ice), then got up at five the next morning and worked all day again.

The storm was so late in the day I could hear Glendon yelling and ran to see what was going on now, but couldn’t find him. Here, they had found a cow lying on its side drowning in mud. They brought a bobcat, filthy flat on his belly holding the cows head out of the muck while George was trying frantically to get the tractor down to him, I got the hay mow close to him, the first tractor got wet and quit. (All during the storm we had distributor caps in the oven drying out!) He got the Bobcat—it quit, but he didn’t know how to get it down there, tore a fence down, put chains on the cow and pulled her out. She died; as did a calf that had been buried in the snow someplace in the ten feet where we had pulled the cow and we didn’t even see, until the snow melted enough, that it was under her; as did those two calves in the basement; as did a calf that had followed its mother to the water fountain, got stuck in the snow and froze to death standing up—we must have woken up just in time that calved during the blizzard didn’t see it—they got snow covered really fast; as did the cow in the corral with a roof over her head with water and hay right under her; as did every farm scene picture. It continued for fourteen days after the storm, every day we lost at least one cow and/or calf. We took them to the vets for autopsies and what not but it just seemed there was nothing we could do to save them. One day we made it to 5:00 without any dying and thought the curse was broken but by 8:00 it was all over again. It was bad, terrible, terrible time, but we lived through it—but not alone. Friends were there for us. On the Friday after the storm, one called to tell us to get out of the house and come to town for a Fireman’s Dance—we were just too exhausted and depressed—but he was pushy (he did the same thing for us after last year’s cow incident on 1-94. We went, and visited with other farmer-ranchers who were in the same boat—it really was so helpful and encouraging.

We were really dreading the first snow of this winter. Long about October, George started talking about quitting farming—I took it as a mid-life crisis; a one time slide. But, he kept talking about making plans. We would put in a crop in ’98 and quit in ’99. I still thought ‘this-too-shall-pass” but he just got more serious. In November I started getting calls asking if I would like a job off the farm? I have to tell you, I was so flattered that even considered me capable of doing what they needed, I thought this year was self-employed. I started talking about it and offered me the job and I took it. This was not easy, now we couldn’t put a crop in this spring as the job is 40 hours a week including every other week. But anyway and George can’t wait without me.

The bottom line is: a 47 year old, 4th generation farmer in his 27th year of farming is quitting farming.

I started working at the Credit Union on December 1st. I thought my world would fall apart. But I had been working there before everything just ‘went-to-hell-in-a-basket’ and I almost decided I couldn’t do it! We sold a semi load of cattle, checked the night before and the next week had them up early in the morning. At 10:00 the auctioneer called and said the bottom had fallen out of...
the market, a bunch of Canadian cattle had just hit the meat packing plants and their buyers weren’t buying. George was gone so I had decided what to do; with paying to have them cleaned and back, then I again said to let them go, when George got home he agreed with me but at the next sale the price was strong again—George and I said, “getting out of farming—there is no predictability!!”

It was like the farm really needed both of us—as much for moral support as the labor itself. I almost came on Sunday night (before my new job on Monday morning) when I had planned a special “last-supper” of 7-bones and had them thawing on the counter. Everything was in the freezer— the cats jumped up on the counter and ate them! Monday morning came and— I went to work. I was so surprised, but I just love my job! I don’t know if it is the people I work with, the people that come in, the feeling of accomplishment, the challenge of balancing the books or what (there is life after farming???) but, I am really happy that I followed through!!

In training the hardest part was the balancing out and having everything in the main office by $0.00—one night it was $5.00 until we actually balance every night and all ways so graceful if I am “long” on the money side so at least then they know I didn’t take it!! I seem to have the hang of it now, so it is less stressful and even balancing is fun! Everyone is so nice, and I really am trying hard—but keep me in your prayers!

It sounds like we are having an auction sale in March on the Saturday before Palm Sunday. We are planning on renting out the land and selling the cattle but still living on the farm. George will continue making hay to sell and also combining and has been working with the local electrician and for elevator doing some carpentry stuff. I thought the deal was if I took a job he would stay, but I guess not!!

I have friend who just lost her 38 year old son-in-law to a 24 hour illness. Then, trying to come back home from her daughter and grandchildren she was delayed three days as the plane couldn’t land due to fog. She was home three days when her house caught on fire. The good news is we’re small town. We care about and support each other. We may have our little squabbles and irritations but we get through it! Pastor Morn today was about helping each other cut the tops off some of the ills we have to climb and walking with them through the valley of grief for their upbuilding, encouragement, and often the thought of you, our friends and family! With that thought in mind, we wish you little knolls rather than ups and downs. We wish you little valleys rather than tops. We wish you little grief for their upbuilding, encouragement, solace. We thought of you, our kinfolk, our friends, our families.

Merry Christmas and a very Happy New Year!!

George and Karen Saxowzky, Hebron, North Dakota

Mr. DORGAN. Mr. President, in reading this letter, I am reminded of the reasons why it is so important that our nation provide a national agricultural policy framework that not only fosters a farmer of agrarianism but purposefully sets out to undergird that system and provide the tools that are necessary for our family farmers and ranchers to have the opportunity to be successful.

It is for this reason that I am introducing the Cost of Production Safety Net Act. I am pleased to include Senators DASCHLE, WELLSTONE, JOHNSON, CONRAD, HARKIN and BAUCUS as cosponsors to my bill. I encourage others to join in this effort and look forward to having a meaningful debate on our nation’s agricultural future in the remaining months of this session.

By Mr. MURKOWSKI (for himself, Mr. NICKLES, Mrs. HUTCHISON, and Mr. DOMENICI):

S. 1920. A bill to provide for the energy security of the Nation through encouraging the production of domestic oil and gas resources from stripper wells on federal lands, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. MURKOWSKI (for himself, Mr. NICKLES, and Mrs. HUTCHISON):

S. 2020. A bill to improve the administration of oil and gas leases on Federal lands, and for other purposes; to the Committee on Energy and Natural Resources.

THE FEDERAL STRIPPER WELL ROYALTY REDUCTIONS LEGISLATION

Mr. MURKOWSKI. Mr. President, I rise today to introduce two important pieces of legislation relating to oil and gas leases on federal lands. The first of these proposals is a bill that would provide for permanent regulatory authority to reduce the royalty rate for stripper oil wells and gas wells on federal lands.

This is imperative, Mr. President, because of the depressed world oil price situation. With oil prices falling below $15 per barrel, it is more and more difficult for domestic energy companies to produce oil at a reasonable price. While this is good news to U.S. consumers because gasoline is at its lowest price ever when adjusted for inflation, it is not welcome news to small and independent oil and gas producers who will be especially hard hit.

Under ‘normal’ circumstances, stripper wells are on the edge of profitability. Low world oil prices threaten stripper wells and the jobs associated with those wells. That, in turn, has ripple effects elsewhere in the economy through loss of jobs in the industries that supply goods and services to producers, and in the communities where they operate.

Mr. President, according to the Interstate Oil and Gas Compact Commission, there are approximately 430,000 stripper oil wells and 170,000 stripper gas wells in the U.S. A sizeable number of these, perhaps as many as 30,000, are on federal lands.

What is absolutely astounding, Mr. President, is the fact that stripper wells individually average a little more than 2 barrels of oil and 16 thousand cubic feet of gas production per day, yet in 1996 collectively contributed 352 million barrels of oil (more than 11 percent of U.S. production), and 3 percent of U.S. production of gas—almost 1 billion cubic feet of natural gas.

There are 38,000 jobs associated with stripper wells, and another 46,000 outsides of the industry related to stripper wells. We cannot afford to lose stripper well production and the vital role they play in national energy security. Nor can we afford to lose the jobs associated with them. That is why I am introducing today the Federal Oil and Gas Stripper Well Royalty Reduction Act of 1998. I am pleased to be joined by Senator NICKLES and Senator HUTCHISON in sponsoring this important legislation.

Mr. President, our bill is very simple: it authorizes and directs the Secretary of the Interior to provide permanent regulatory authority to reduce the royalty rate for stripper oil and gas wells on federal lands. The Secretary already has limited authority to grant stripper oil well royalty reductions. We want to ensure that there is permanent authority to do so.

We also want to make sure that the Secretary has permanent authority to grant royalty rate reductions for stripper gas wells, something that the Secretary recently has declined to do.

Second, our bill requires the Secretary to suspend any minimum royalty (if applicable) and per acre lease payments on gas leases. The royalty rate for gas wells on federal lands during the time of any royalty rate reduction. This will ensure that stripper well operators are afforded the greatest leeway during hard times.

Also, finally, our bill requires the applicable lease rental and minimum royalty to be reinstated once the Secretary terminates a stripper well royalty rate reduction.

Mr. President, I believe this legislation will make a significant contribution in stemming the tide of lost production from our Nation’s stripper oil and gas wells. Once plugged and abandoned, these wells—and their vital contribution to national energy security—are more likely than not permanently lost. We should not lose this valuable natural asset.

I invite my colleagues to join Senator NICKLES, Senator HUTCHISON and me in sponsoring the Federal Oil and Gas Stripper Well Preservation Act of 1998.

TRANSFER OF CERTAIN FEDERAL OIL AND GAS LEASE MANAGEMENT FUNCTIONS

Mr. President, the second piece of legislation I introduce today relating to federal oil and gas production addresses the performance of oil and gas lease management activities on federal lands. We have been hearing for some time now that States are very much interested in assuming certain oil and gas lease management functions that are now performed by the U.S. on federal oil and gas leases. We saw strong interest from States in assuming certain royalty management functions when we considered and ultimately enacted the Federal Oil and Gas Royalty Simplification and Clarification Act of 1996. Devolution of federal oil and gas regulatory functions to States is a concept whose time has come.
The legislation I introduce today along with Senator NICKLES and Senator HUTCHISON would do the following: transfer the Bureau of Land Management’s (BLM) authority to perform certain oil and gas regulatory duties to States; insulate BLM from adversable time frames for leasing decisions and appeals; require responsible actions to increase leasing; and reduce federal appeals delays by rejecting stay requests from parties that have no standing.

We believe this legislation will generate savings to the Treasury by increasing administrative efficiencies, eliminating duplication of effort, decreasing time to lease or leases oil and gas production on federal lands.

The key feature of the bill is the transfer from BLM to States authority over such activities as: well drilling and production operations; well testing and reversion of producing well to a water well; well abandonment procedures; inspections; enforcement activities; and site security. Many States already perform these functions on federal leases, and are willing to do so on a permanent basis. By transferring federal responsibility for these activities, federal resources could be used for other purposes.

Our bill also requires BLM and the Forest Service to render final decisions on administrative appeals within two years. These provisions will eliminate costly delays and litigation, allow realization of lease revenues (bonuses, rents, royalties) sooner, and provide stability and clarity to planning.

Mr. President, we believe the transfer of leasing and production functions can be achieved with significant savings to States and the Treasury and will not disrupt lease management functions or impair important resource production. We urge our colleagues in the Senate to join in supporting this important legislation.

By Mr. JEFFORDS (for himself and Mr. DOID)

S. 21. A bill to ensure confidentiality with respect to medical records and health care-related information, and for other purposes; to the Committee on Labor and Human Resources.

THE HEALTH CARE PIN ACT

Mr. JEFFORDS. Mr. President, today, I join with my good friend Senator CHRISTOPHER DODD, in announcing the introduction of the Health Care Personal Information Nondisclosure Act of 1998—The Health Care PIN Act. This legislation will establish necessary national standards to protect the confidentiality of each American’s medical records.

Information technology presents our nation with the difficult challenge of ensuring that we reap its benefits without sacrificing one of our most important values: the right to individual privacy. In order to maintain control over our personal medical information, Congress must establish health care confidentiality legislation—as quickly as possible.

The time is ripe for action. There have been major technological advances in administrative, delivery, and payment systems. These advances have the potential to improve the quality of patient care. For example, electronic pharmaceutical records make it possible for pharmacists to identify potential drug interactions before filling a prescription. However, we must also have guarantees that our personal health care information is not being used inappropriately.

Congress has made repeated attempts to enact a comprehensive federal privacy law but has been unsuccessful. The loose web of protections at the federal and state levels that has evolved in the absence of a comprehensive law leaves many aspects of health information unprotected.

The Health Care PIN Act represents a synthesis of recommendations from many sources. It draws heavily from the discussion draft that I worked on with Senator BENNETT and the “Medical Information Privacy and Security Act,” introduced by Senators LEAHY and Senator KENNEDY. The Labor and Human Resources Committee has held three hearings on the confidentiality of health care information, and the testimony and comments provided at each of those hearings has been invaluable—especially, the administration’s recommendations presented by Secretary Shalala in September.

Under the terms of the Kassebaum-Kennedy legislation, if Congress fails to enact federal legislation by August 1999, the Secretary of Health and Human Services is required to promulgate regulations establishing electronic privacy standards in the year 2000. This is too important a matter of public policy to be done outside of the legislative process and it is another reason why I intend to make this task one of the highest priorities of the Labor and Human Resources Committee.

Other nations have taken steps to protect patient privacy. In 1995, the European Union enacted the Data Privacy Directive. The EU Directive requires that individuals have rights of consent, access, correction, and remedies for failure to protect confidential personal information. This Directive requires that by October 1998, if countries trading with any of the 15 European Union member states do not introduce similar rules, data cannot be transmitted between these countries. If we do not act to prevent this initiative, it raises the concern that the European Union could limit the flow of health care data between our countries for recherche and restrict the ability of American companies to compete overseas.

The Health Care PIN Act would preempt state laws relating to medical records confidentiality—with the important exception of public health, and those arbitrary matters of discrimination, such as mental health and HIV/AIDS. Since most health plans exchange health care information over the borders of many states we need one privacy standard in this county—rather than 50 different ones—in order to achieve the greatest benefits from information technology and also ensure that all Americans have a uniform standard of privacy protection.

The Act requires that individually identifiable health care information not be released unless authorized by patient consent. With very few exceptions, individually identifiable health information obtained as a result of health care or health care activities must be protected. Personal health information covered by this Act is defined in the legislation and is subject to penalties for disclosure for health purposes only, which includes the provision and payment of care and plan operations. Under the legislation, patients would have the right to deny and control their medical information.

In order to achieve accountability, the Health Care PIN Act provides that civil and criminal penalties would be imposed on individuals who use information improperly through unauthorized disclosure.

Our individual right to privacy at times must be balanced against the need to protect the health of others. The Health Care PIN Act allows for the disclosure of health information without patient consent for the release of information to public health authorities for disease reporting. In addition, patient consent would not be required to disclose information needed for legitimate law enforcement purposes, including purposes required by state law such as the reporting of gunshot victims. Quality care requires more than the free flow of information between providers, payers, and other users of health information. It requires trust between a patient and his or her doctor. For our health care system to be effective, as well as efficient, patients must feel comfortable sharing sensitive information with health professionals. Technology has provided the tools to allow the ease of access to health care information. Now, the Health Care PIN Act is needed to ensure the confidentiality of this personal health information.

It is my intent to work closely with the other members of the Labor and Human Resources Committee, and Senators BENNETT and LEAHY, to enact legislation this year that will establish national standards to protect medical information and enhance quality of health care for all Americans.

Mr. DODD. Mr. President, I am pleased to join the Chairman of the Labor and Human Resources Committee, Senator JEFFORDS, in introducing the Health Care Personal Information Nondisclosure Act of 1998—The Health Care PIN Act. This legislation is designed to offer Americans the peace of mind that comes with...
knowing that their most personal and private medical information is protected from misuse and exploitation.

Medicine has changed dramatically since the time Norman Rockwell painted the scene of a doctor examining his young patient. The flow of medical information is no longer confined to doctor-patient conversations and hospital charts. Recent technological advances have introduced more efficient methods of organizing data that allow information to be shared instantaneously—helping to contain costs—and even save lives. The national database of medical information provides a prime example of the benefits of these advances. The use of a single computer, emergency room doctors are now equipped with a quick and inexpensive means of accessing the medical records needed to properly treat unconscious patients.

Unfortunately, as we saw all too clearly just a few months ago, our laws have not kept pace with technology. In February the Washington Post exposed the activities of two pharmacies that were sharing personal medical information with unauthorized third parties. And, most disturbingly, these actions were perfectly legal. Clearly, the existing patchwork of state laws protecting medical records are proving to be inadequate to address the publics concern.

These concerns are so strong that in some cases they threaten to actually negate the benefits of advances in medicine and technology. The fear of discrimination and exploitation has led some ethnic communities with susceptibility to certain conditions to urge their members to avoid genetic testing. The fear that sensitive medical information might be released without authorization led patients to avoid full disclosure of mental health concerns to their physicians and to unnecessarily forego opportunities for treatment.

I believe that the Health Care PIN Act offers the privacy protections that the public demands. This legislation sets clear guidelines for the use and disclosure of medical information by health care providers, researchers, insurers, employers and others. The Health Care PIN Act provides individuals with control over their most personal information, yet promotes the efficient exchange of health data for the purposes of treatment, payment, research and oversight. To ensure the accountability of entities and individuals with access to personal medical information, the legislation imposes stiff penalties for unauthorized disclosures.

The Health Care PIN Act provides a consistent and uniform set of privacy protections. However, in areas of privacy law in which states have been the most active—namely in the confidentiality of sensitive mental health and public health records—states could continue to establish additional protections.

I would also like to indicate my intent to work with Senator Jeffords to incorporate into this legislation protections against genetic discrimination in both employment and health insurance. Although we were unable to resolve this issue before introduction of this legislation, I am confident that we can reach consensus on this critical and timely issue.

This legislation represents commonsense middle ground in a range of proposals that have been offered both this and the previous Congress. I look forward to working with Senator Jeffords, as well as Senators Bennett, Leahy, and Kennedy, who have contributed so much to this debate, to move forward quickly to enact comprehensive, bipartisan legislation.

By Mr. Campbell:

S. 1922. A bill to amend chapter 61 of title 5, United States Code, to make election day a legal public holiday, with such holiday to be known as "Freedom and Democracy Day"; to the Committee on the Judiciary.

FREEDOM AND DEMOCRACY DAY LEGISLATION

Mr. CAMPBELL. Mr. President, as our nation approaches the Millennium, it is an appropriate time to renew the appreciation and understanding of the American people in the democratic heritage and principles which make our country the greatest in the world. That is why I am introducing legislation today to rename Election Day as Freedom and Democracy Day and to renew civic responsibility.

The two main objectives of this legislation are first, to broaden and increase voter turnout, and second, to restore appreciation for our country's most fundamental expression of freedom and democratic underpinnings—the right to vote. As a nation, we must all be concerned that voter apathy is so high, while voter participation is so low. Voting, it seems, has become a neglected, if not cumbersome, privilege of Americans. In the past 20 years, voter participation in presidential election years has remained barely above 50 percent, and during midterm congressional election years it has not been more than 50 percent.

I am alarmed at the unfortunate fact that voter participation has declined to the point that it is now among the lowest of any democratic nation. The rate of voter participation among younger Americans—under 30, teachers, and business executives—has declined significantly. It is our responsibility as elected officials, and more importantly, as American citizens, to support additional efforts to strengthen the electoral process, to encourage civic awareness, and to increase active participation in the exercise of liberty.

Therefore, the first goal of the bill is to renew civic spirit and highlight the importance of Americans to fulfill their civic responsibilities by making Election Day a legal public holiday, known as Freedom and Democracy Day. This designation gives new meaning to the importance of voting on the first Tuesday in November. We need to stress the importance of self-government, encourage Americans to exercise their freedom and liberty as citizens by voting, and encourage Americans to reinvigorate their support for their civic duties.

Although my bill designates this day as a legal public holiday, I want to emphasize that Freedom and Democracy Day will remain a regular workday. The bill specifically does not reference states relating to pay leave of federal employees, and it does not affect the regular operations of the federal government.

As legislators and as citizens we should do more to promote voter turnout and increase understanding of the value and importance of the right to vote. That is why the second objective of this bill is to encourage communities, schools, civic organizations, charitable organizations, companies, radio and television broadcasters, and public officials at all levels of government to support and celebrate Freedom and Democracy Day. The legislation encourages these key segments of society to sponsor and publicize appropriate celebrations and events which stress the importance of participation in self-government. Their programs and support will send a strong message that the legitimacy of the democratic system is created from the consent of the governed, and voiced in the full participation of an informed, aware and active citizenry.

I believe my bill provides a starting point for a renewed spirit and appreciation of freedom and democracy. It is my sincere hope that given more incentive to vote, more Americans will seize and exercise this expression of freedom. It is a small step in the overall effort to encourage all American citizens to take pride and leave of the American people in the democratic heritage and principles which make our country the greatest in the world. That is why I am introducing legislation today to rename Election Day as Freedom and Democracy Day and to renew civic responsibility.
S. 1923. A bill to amend the Federal Water Pollution Control Act to ensure compliance by Federal facilities with pollution control requirements; to the Committee on Environment and Public Works.

The Federal Facilities Clean Water Compliance Act of 1999.  Mr. COVERDELL, Mr. President, I rise today to introduce legislation with the Senior Senator from Louisiana and the Junior Senator from Ohio. This legislation—The Federal Facilities Clean Water Compliance Act of 1998—will guarantee that the federal government is held to the same full range of enforcement mechanisms available under the Clean Water Act as private entities, states, and localities. Each federal department, agency, and instrumentality will be subject to and comply with all Federal, State, and local requirements with respect to the control and abatement of water pollution and management in the same manner and extent as any person is subject to such requirements, including the payment of reasonable service charges.  

Mr. COVERDELL. Last year marked the twenty-fifth anniversary of the Clean Water Act. This Act has been an effective tool in improving the quality of our nation's rivers, lakes, and streams. Over that period of time, however, states have not had the ability to impose certain fines and penalties against federal agencies for violations of the Clean Water Act. This is a double standard that should not be continued.

In 1972, Congress included provisions on federal facility compliance with our nation's water pollution laws in section 313 of the Clean Water Act. Section 313 called for federal facilities to comply with all federal, state, and local water pollution requirements. However, in 1992, the United States Supreme Court ruled in U.S. Dept. Of Energy v. Ohio, that States could not impose certain fines and penalties against federal agencies for violations of the Clean Water Act and the Resource Conservation Recovery Act (RCRA). Because of this decision, the Federal Facilities Compliance Act (H.R. 2194) was enacted to clarify that Congress intended to waive sovereign immunity for agencies in violation of RCRA. Federal agencies in violation of the RCRA are now subject to State levied fines and penalties. However, this legislation did not address the Supreme Court's decision with regard to the Clean Water Act.

The Federal Facilities Clean Water Compliance Act of 1998 makes it unequivocally clear that the federal government waives its claim to sovereign immunity in the Clean Water Act. The federal government owns hundreds of thousands of buildings, located on millions of acres of land, none of which have federal water standards. However, if a private entity does under the Clean Water Act. This legislation simply ensures that the federal government lives by the same rules it imposes on everyone else.

Mr. BREAUX. Mr. President, I am pleased to join Senator COVERDELL today in introducing the "Federal Facilities Clean Water Compliance Act of 1998". My primary reason for sponsoring the bill with the Senator from Georgia is to make the federal Clean Water Act equitable by requiring that it apply to and be enforced against the federal government.

Currently, states, local governments and the private sector do not have immunity from the act’s enforcement. By the same principle, the federal government should not be granted such immunity from the clean water statute and this bill provides that parity.

To paraphrase a well-known adage, what’s good for states, local governments and the private sector in terms of clean water should be good for the federal government.

In addition to the provisions stated previously, the Coverdell-Breaux bill reflects the adage’s fairness principle in another fashion. The bill would hold the federal government accountable to comply not only with its own clean water statute, but also with State or local clean water laws. Again, equality would be upheld. And, safety, public health and environmental protection would be strengthened.

Other provisions are contained as well in the legislation which Senator COVERDELL and I are introducing today. For example the EPA administrator, the Secretary of the Army and the Secretary of Transportation would be authorized to pursue administrative enforcement actions under the Clean Water Act against any non-complying federal agencies. It also includes provisions for federal employees’ personal liability under the act’s civil and criminal penalty provisions and a requirement that the federal government pay reasonable service charges when complying with clean water laws.

Over the past 25 years, the United States has made dramatic advances in protecting the environment as a result of the Clean Water Act. We have all benefitted as a result.

Today, I encourage other Senators to join Senator COVERDELL and I as co-sponsors of the bill to bring equity to the clean water program and to make possible the expansion of its public and private benefits.

By Mr. MACK (for himself, Mr. KERRY, Mr. D’AMATO, Mrs. FEINSTEIN, Mr. BOND, Ms. MOSELEY-BRAUN, Mr. COVERDELL, Mrs. BOXER, Mr. GREGG, Mr. KENNEDY, Mr. THURMOND, Mr. ROBB, Mrs. GRAMS, Mr. BUMPERS, Mr. COATS, Mr. DODD, Mr. INHOFE, Mr. INOUYE, Mr. SANTORUM, Mr. DURBIN, Ms. SNOWE, Mr. WYDEN, and Mr. HOLLINGS):

S. 1924. A bill to restore the standards used for determining whether technical workers are not employees as in effect before the Tax Reform Act of 1986; to the Committee on Finance.
THE TECHNICAL WORKERS FAIRNESS ACT OF 1998

Mr. MACK. Mr. President, today Senator KERRY and I introduce the Technical Workers Fairness Act of 1998. This bill would repeal Section 1706 of the 1986 Tax Reform Act, something that is long overdue and is now supported by a strong bipartisan consensus.

Section 1706 added a new subsection (d) to Section 530 of the Revenue Act of 1978. For the class of businesses known as "technical services firms"—so provide technical services to their customers, Section 1706 removed the Section 530 employment tax safe harbors that otherwise apply to all other types of businesses that use the services of independent contractors. These Section 530 safe harbors were enacted by Congress in 1978 to protect business taxpayers, especially small businesses, from arbitrary IRS decisions interpreting the common law employment test for employment tax audits. Yet Section 1706 leaves one group of taxpayers back in the pre-Section 530 days. As a result of Section 1706, if a technical services firm hires, as an independent contractor, a computer programmer, systems analyst, software engineer, or similarly-skilled worker who will perform services for that firm's customers, then the technical services firm—which is operating in a so-called "three-party situation"—must prove to the IRS that this worker is an independent contractor under the centuries-old common law employment test that Congress found so troublesome in 1978. Even if the firm can show that it has a reasonable basis for treating the worker as an independent contractor—for instance, if its past treatment of this worker as an independent contractor was approved by the IRS in prior IRS audits, or its treatment is consistent with industry practice or a relevant court ruling, all of which constitute "safe harbors" under Section 530—none of these factors is relevant because of the enactment of Section 1706.

The harm caused to the technical services industry and its workers by Section 1706 is more than theoretical. Technical services firms which use independent contractors—even if they act in good faith—can be severely penalized by the IRS and forced to pay "unpaid" employment taxes even though all contractors have actually paid these same taxes in full. In fact, some IRS auditors have used Section 1706 to claim that even incorporated independent contractors are not legitimate. Left with only common law employment tests to demonstrate a worker's status to the IRS, many technical services firms will not hire any independent contractors in order to avoid tempting an IRS audit.

In 1991, the Treasury Department issued a 100-page study of Section 1706, as required by Congress. The Treasury Study found that tax compliance is actually better-than-average among technical services workers compared to other contractors in other industries. It also found the scope of Section 1706 was "difficult to justify on equity or other policy considerations." Further, Section 1706 is the only occasion since the enactment of Section 530 that Congress has ever cut back on the safe harbor protections in Section 530. In fact, in response to concerns that IRS decisions in independent contractor audits were too often arbitrary and unpredictable, in the Small Business Job Protection Act of 1996 Congress expanded the Section 530 protections and even shifted the burden of proof from the taxpayer to the IRS. More recently, the Department of Labor's Bureau of Labor Statistics found that many high-tech professionals are actually being forced to work as employees when their preference is to be independent contractors.

It is time to repeal Section 1706 and end the discrimination against this one industry. 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. 1923
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 "Technical Workers Fairness Act of 1998.

SEC. 2. RESTORATION OF STANDARDS FOR DETERMINING WHETHER TECHNICAL WORKERS ARE EMPLOYEES.
(a) REPEAL OF SECTION 530(d) OF THE REVENUE ACT OF 1978.—Section 530(d) of the Revenue Act of 1978 (as added by section 1706 of the Tax Reform Act of 1986) is repealed.
(b) EFFECTIVE DATE.—The amendment made by subsection (c) shall apply to periods ending after the date of enactment of this Act.

Mr. KERRY. Mr. President, I join Senator MACK in supporting his legislation to repeal Section 1706 of the 1986 Tax Reform Act. We must take this opportunity to repeal an unfair section of employment tax law which singles out only the computer and high-technology industry and makes it difficult for firms in that industry to retain the services of self-employed contractors.

For many years, the common law test used to classify a worker as an employee or an independent contractor for employment tax purposes lacked precision and predictability. In 1978, in Section 530 of the 1978 Revenue Act, Congress acted to allow taxpayers, as an alternative to the common law test, to use a "reasonable basis" safe haven test to classify a worker. However, in 1986, Congress enacted Section 1706 which eliminated all Section 530 protections from only the technical services industry, and only in so-called "three party situations" in that industry in which a worker is paid by a technical services firm to perform services for a customer.

I have heard from a number of computer consultants in Massachusetts who believe this unfairly discriminates against the computer consulting industry and seriously impairs the ability of legitimate self-employed computer consultants to work effectively in the marketplace. Many firms in Massachusetts will not use the services of valid self-employed contractors because they believe doing so could attract an Internal Revenue Service audit and potentially subject the companies to penalties or back tax liabilities. In many years, along with many of my colleagues in the Senate, I have worked unsuccessfully to develop and enact a new definition of "leased employee." The legislation introduced by Senator MACK today is another effort to resolve this problem, it will repeal Section 1706 and thereby renew the "reasonable basis" safe haven test to classify workers in the computer consulting industry. A 1991 Treasury Department report stated that the tax compliance of firms using Section 530 safe harbors were somewhat better than those of other workers who are classified as independent contractors. That study also found that the treatment of technical service workers as independent contractors actually reduced the tax revenue "which "tends to offset" any revenue loss that might result from any noncompliance by such individuals "because direct compensation to independent contractors is substituted for tax favored employee fringe benefits."

Repealing Section 1706 will allow companies to hire computer consultants without fearing a negative ruling from the IRS. We should take this step this year, and I look forward to working with Senator MACK to gain Congressional passage of this legislation.

By Mr. CAMBELL (for himself and Mr. INOUYE):
S. 1925. A bill to make certain technical corrections in laws relating to Native Americans, and for other purposes; to the Committee on Indian Affairs.

Mr. CAMBELL. Mr. President, today I introduce legislation to make certain technical corrections to a number of unrelated laws affecting Indian tribes.

I am pleased to be joined in this effort by my friend and colleague from Hawaii, Senator INOUYE.

The bill will allow us to address a series of minor amendments to Indian laws in one piece of legislation, without having to introduce and legislate on a number of separate bills. I conferred with the delegation of each state involved on each of these amendments and the delegations generally support the respective amendments affecting tribes in their states.

The bill contains a total of 14 amendments addressing a variety of issues including: increasing the allowable lease terms of reservation lands; reservation boundary adjustments; a bill to facilitate water rights settlements; clarification of federal service areas for tribes; and a number of others.
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. 1925

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

SECTION 1. AUTHORIZATION FOR 99-YEAR LEASES.

The second sentence of subsection (a) of the first section of the Act of August 9, 1955 (69 Stat. 539, chapter 615; 25 U.S.C. 415), is amended—

(1) by inserting “lands held in trust for the Confederated Tribes of the Grand Ronde Community of Oregon,” after “lands held in trust for the Cahuilla Band of Indians of California,”; and

(2) by inserting “the Cabazon Indian Reservation,” after “the Navajo Reservation.”.

SEC. 2. GRAND RONDE RESERVATION ACT.

Section 1(c) of the Act entitled “An Act to establish a reservation for the Confederated Tribes of the Grand Ronde Community of Oregon, and for other purposes,” approved September 9, 1988 (102 Stat. 1594), is amended—

(1) by striking “10,120.68 acres of land” and inserting “10,311.60 acres of land”; and

(2) in the table contained in that subsection, by striking all after

through the end of the table, and inserting the following:

| 6 | 8 | 1 | N\%SW\|4 |
| 6 | 8 | 12 | W\%SW\|4, NE\%SW\|4, NW\%SW\|4, SE\%SW\|4, N\%SW\|4, N\%SW\|4, \%SE\|4 |
| 6 | 8 | 13 | W\%SE\|4 |
| 7 | 7 | E\%SE\|4 |
| 7 | 8 | SW\%SE\|4, NW\|4 |
| 7 | 8 | SW\|4, NW\|4 |
| 7 | 17 | NW\%NW\|4, N\%NW\|4 |
| 7 | 18 | E\%NW\|4 |
| 6 | .... | Total | 10,311.60 |

29.59
21.70
5.31
57.60
22.46
10.84
43.42

240”.

SEC. 3. SAN CARLOS APACHE WATER RIGHTS SETTLEMENT.

Section 3711(b) of the San Carlos Apache Tribe Water Rights Settlement Act of 1992 (106 Stat. 4752) is amended by striking “subsections (c) and (d) of section 3704” inserting “section 3704(d)”.

SEC. 4. YUROK SETTLEMENT RECOGNITION.

Section 4 of Public Law 96–458 (25 U.S.C. 415), is amended—

(1) in paragraph (2), by striking “or” at the end;
(2) in paragraph (3), by inserting “or” at the end; and
(3) by inserting after paragraph (3) the following:

“(4) are distributed pursuant to—

“(A) the judgment of the United States Claims Court (which was subsequently reorganized as the United States Court of Federal Claims) in Jesse Short et al. v. United States Court of Federal Claims in favor of 1 or more individual Indians;”;

(1) by striking “The eligibility” and inserting “(a) The Secretary”;
(2) by adding at the end the following:

“(b) Subject to the express limitations under sections 4 and 5, for purposes of determining eligibility for Federal assistance programs, the service area of the Confederated Tribes of the Siletz Indians of Oregon shall include Benton, Clackamas, Lane, Lincoln, Linn, Marion, Multnomah, Polk, Tillamook, Washington, and Yamhill Counties in Oregon.”;

SEC. 5. SELF-DETERMINATION CONTRACT CARRY-OVER EXPENDITURE AUTHORIZATION.

Notwithstanding any other provision of law, any funds that were provided to the Ponca Tribe of Nebraska for any of the fiscal years 1992 through 1998 pursuant to a self-determination contract with the Secretary of Health and Human Services that the Ponca Tribe of Nebraska entered into under section 102 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450f) that were retained by the Ponca Tribe of Nebraska to carry out programs and functions of the Indian Health Service may be used by the Ponca Tribe of Nebraska to purchase or build facilities for the health services programs of the Ponca Tribe of Nebraska.

SEC. 6. NAVAJO-HOPI LAND DISPUTE SETTLEMENT ACT.

Section 12 of the Navajo-Hopi Land Dispute Settlement Act (Public Law 104–301; 110 Stat. 3653) is amended—

(1) in subsection (a)(1)(C), in the first sentence, by inserting “of surface water” after “on such lands”; and

(2) in subsection (b), striking “subsection (a)(3)” both places it appears and inserting “subsection (a)(1)(C)”.

SEC. 7. TREATMENT OF CERTAIN DEMONSTRATION PROJECTS.

(a) In GENERAL.—The Secretary of the Interior shall take such action as may be necessary to extend the terms of the projects referred to in section 512 of the Indian Health Care Improvement Act (25 U.S.C. 1660b) so that the term of each such project expires on October 1, 2002.

(b) AMENDMENT TO INDIAN HEALTH CARE IMPROVEMENT ACT.—Section 512 of the Indian Health Care Improvement Act (25 U.S.C. 1660b) is amended by adding at the end the following:

“(c) In addition to the amounts made available under section 514 to carry out this section through fiscal year 2000, there are authorized to be appropriated such sums as may be necessary to carry out this section for each of fiscal years 2001 and 2002.”.

SEC. 8. CONFEDERATED TRIBES OF COOS, LOWER UMPQUA, AND SISULAW INDIANS RESERVATION ACT.

Section 7(b) of the Coos, Lower Umpqua, and Sisulaw Restoration Act (Public Law 98–481, 98 Stat. 2255) is amended by adding at the end the following:

“(4) In Lane County, Oregon, a parcel described as beginning at the common corner to sections 23, 24, 25, and 26 township 18 south, range 12 west, Willamette Meridian; then west 25 links; then north 2 chains and 50 links; then east 25 links to a point on the section line between sections 23 and 24; then south 2 chains and 50 links to the place of origin, and containing .062 of an acre, more or less, situated and lying in section 23, township 18 south, range 12 west, of Willamette Meridian.”.

SEC. 9. HOOPA VALLEY RESERVATION BOUNDARY ADJUSTMENT ACT.

Section 2(b) of the Hoopa Valley Reservation Boundary Adjustment Act (25 U.S.C. 1300i–1 note) is amended—

(1) by striking “north 72 degrees 30 minutes east” and inserting “north 73 degrees 50 minutes east”; and

(2) by striking “south 15 degrees 59 minutes east” and inserting “south 14 degrees 36 minutes east”.

SEC. 10. CLARIFICATION OF SERVICE AREA FOR CONFEDERATED TRIBES OF SILETZ INDIANS OF OREGON.


(1) in the first sentence, by striking “The Secretary” and inserting “(a) The Secretary”; and

(2) by adding at the end the following:

“(b) Subject to the express limitations under sections 4 and 5, for purposes of determining eligibility for Federal assistance programs, the service area of the Confederated Tribes of the Siletz Indians of Oregon shall include Benton, Clackamas, Lane, Lincoln, Linn, Marion, Multnomah, Polk, Tillamook, Washington, and Yamhill Counties in Oregon.”.

SEC. 11. MICHIGAN INDIAN LAND CLAIMS SETTLEMENT.

Section 111 of the Michigan Indian Land Claims Settlement Act (111 Stat. 2665) is amended—

(1) by striking “The eligibility” and inserting the following:

“(b) TREATMENT OF FUNDS FOR PURPOSES OF CERTAIN FEDERAL PROGRAMS AND BENEFITS.—The eligibility”; and

(2) by inserting before subsection (b), as designated by paragraph (1) of this section, the following:

“(a) TREATMENT OF FUNDS FOR PURPOSES OF INCOME TAXES.—None of the funds distributed pursuant to this Act, or pursuant to
any plan approved in accordance with this Act, shall be subject to Federal or State income taxes.

SEC. 12. MISCELLANEOUS TECHNICAL CORRECTIONS.

(a) AUTHORIZATION.—Section 711(h) of the Indian Health Care Improvement Act (25 U.S.C. 1605(h)) is amended by striking “for each” and all that follows through “and inserting “for each of fiscal years 1996 through 2000.”


SEC. 13. TRANSFER OF WATER RIGHTS.

The Jicarilla Apache Tribe Water Rights Settlement Act (106 Stat. 2337 et seq.) is amended by adding at the end the following:

“SEC. 12. TRANSFER OF WATER RIGHTS.

(a) IN GENERAL.—In accordance with the requirements of section 2116 of the Revised Statutes (25 U.S.C. 177), the transfer of water rights described in paragraphs (5) of the stipulation and settlement agreement between the Jicarilla Apache Tribe and other parties to the case referred to in section 12(k)(1) was executed on October 7, 1997, is approved.

(b) EFFECTIVE DATE.—The application under this subsection effective on the date of entry of a partial final decree by the court for the case referred to in that subsection that quantifies the reserved water rights of the Jicarilla Apache Tribe.

SEC. 14. NATIVE HAWAIIAN HEALTH SCHOLARSHIP PROGRAM.

(a) ELIGIBILITY.—Section 10(a)(1) of the Native Hawaiian Health Scholarship Act of 1988 (42 U.S.C. 11709(a)(1)) is amended by striking “meet the requirements of section 338A of the Public Health Service Act (42 U.S.C. 254d)” and inserting “meet the requirements of paragraphs (1), (3), and (4) of section 338A(b) of the Public Health Service Act (42 U.S.C. 254d).”

(b) TERMS AND CONDITIONS.—Section 10(b)(1) of the Native Hawaiian Health Care Act of 1988 (42 U.S.C. 11709(b)(1)) is amended—

(1) in subparagraph (A), by inserting “determined in the Native Hawaiian comprehensive health care master plan implemented under section 110 of this Act, or state or regional care professionals,”

(2) by redesignating subparagraphs (B) through (D) as subparagraphs (C) through (E), respectively;

(3) inserting after subparagraph (A) the following:

“(B) the primary health services covered under the scholarship assistance program under this section shall be the services included under the definition of that term under section 128(b),”;

(4) by striking subparagraph (D), as redesignated in the following—

“(D) the obligated service requirement for each scholarship recipient shall be fulfilled through the full-time clinical or nonclinical practice of the health profession of scholarship recipient, in an order of priority that would provide for—

(i) first, in any of the 5 Native Hawaiian health care regions and

(ii) second, in—

(I) a health professional shortage area or medically underserved area located in the State of Hawaii, if applicable;

(aa) located in the State of Hawaii, and

(bb) has a designation that is similar to a designation determined in clause (I) made by the Secretary, acting through the Public Health Service,”;

(5) in subparagraph (E), as redesignated, by striking the period and inserting a comma; and

(6) by adding at the end the following:

“(P) the obligated service, a scholarship recipient shall not be performed by the recipient through membership in the National Health Service Corps, and

“(G) the requirements of sections 331 through 338 of the Public Health Service Act (42 U.S.C. 254d through 254k), section 338C of that Act (42 U.S.C. 254m), other than subparagraphs (b)(5) of such section, and section 338D of that Act (42 U.S.C. 254n) applicable to scholarship assistance provided under section 338A of that Act (42 U.S.C. 254l) shall not apply to the obligations provided under subsection (a) of this section.”

By Mr. GRASSLEY:

S. 1927. A bill for the relief of Regine Beatie Edwards; to the Committee on the Judiciary.

PRIVATE RELIEF LEGISLATION

Mr. GRASSLEY. Mr. President, today I am proposing a private relief bill, under the Immigration and Nationality Act, that would classify Regine Beatie Edwards as a child, and therefore, allow her to become a citizen of the United States.

This bill originates from a request of Mr. Stan Edwards, United States citizen, and Regine’s adopted father, concerning his daughter’s naturalization application. Regine Beatie Edwards was born on August 3, 1980 in Germany and arrived in the United States with her mother on March 16, 1997. Mr. Edwards, on several occasions, contacted the Immigration and Naturalization Service to obtain the proper form to apply for his daughter’s naturalization. In response, the INS sent Mr. Edwards the form N-430, Application for Certificate in Behalf of an Adopted Child, and notified him that the adoption must be completed and that the application must be submitted by his daughter’s 18th birthday. On January 13, 1997, Regine was legally adopted by Mr. Edwards at this time, Regine was 16 1/2 years old. After the completion of the adoption, Mr. Edwards delivered his daughter’s application, in person, to the INS office in Omaha, Nebraska on March 27, 1997.

Over the following months, Mr. Edwards became concerned about the amount of time that had passed since the submission of the application to the INS. In January of 1998, the INS reported that Regine Edwards’ application had not been completed by the child’s 16th birthday and that the form N-430 was the incorrect form for application.

This new information contradicted what the INS had previously told Mr. Edwards that Regine had to be adopted by her 18th birthday. The INS indicated that Mr. Edwards’ daughter had met three of the four qualifications to qualify for citizenship. As a result of this misinformation, Regine did not meet the qualification of an adoption before her sixteenth birthday. Mr. Edwards’ daughter had reached the age of sixteen. In response to the incorrect information given in this case, the INS refunded the money for the N-430 application to Mr. Edwards.

I feel that Regine Edwards should not be denied citizenship due to the wrong information provided by the Immigration and Naturalization Service. The Edwards family submitted the qualifications that they were originally told by the INS were necessary. Unfortunately, Mr. Edwards was misinformed which has cost his daughter the opportunity for citizenship at this time. Mr. President, I ask you and your colleagues to support this young woman by allowing her to fulfill her wish to become a United States citizen and not deprive her of this opportunity.

By Ms. MOSELEY-BRAUN:

S. 1928. A bill to amend section 2007 of the Social Security Act to provide grant funding for 20 additional Empowerment Zones, and for other purposes; to the Committee on Finance.

THE EMPOWERMENT ZONE ENHANCEMENT ACT OF 1998

Ms. MOSELEY-BRAUN. Mr. President, it gives me great pleasure to introduce the Empowerment Zone Enhancement Act of 1998. This legislation, I believe, will build on the economic success we have built over the last several years. We have worked to make this the strongest economy in a generation—by balancing the budget, investing in education and training, and opening up new markets for American products around the world. But we have also worked to make this the most inclusive economy in history, so everyone has a chance to participate, and no one is left behind. Further, we have stressed Community Empowerment. A strategy that gives people the tools—and acts as a catalyst for community collaboration—then communities can tap the ingenuity and enthusiasm of every citizen, and restore our downtowns and distressed areas to a level even our grandparents would be proud of.

I believe that we are beginning to see results in this Community Empowerment Philosophy. The Empowerment Zone Initiative is the cornerstone program to ensure that all Americans benefit from the strong economy. The purpose of the EZ/ECs around the goal of community revitalization. This Initiative has not only produced the intended benefits of creating economic opportunity, broad-based community partnerships and sustainable community development, but has also fostered the process of bringing together all segments of the EZ/ECs around the goal of community revitalization.

Over $4 Billion in private investment has been leveraged in the EZ and EC’s. Nearly 20,000 jobs have been created and 15,000 that have been filled by people who have previously not had access to economic opportunity.
opportunities have been created for people with a dream and the economic opportunity to see that dream realized. Job training and education opportunities have been created for nearly 45,000 residents. More than 12,000 Housing units have been constructed and rehabilitated. Communities have added needed public safety, infrastructure and environmental clean-up needs through more than 350 programs. More than $2,000 children, youth and adults have been provided with services to help overcome challenges and contribute to their communities growth. In short, the EZ/EC Initiative has proven to be a successful holistic approach to community revitalization and economic development.

The Taxpayer Relief Act of 1997 authorized designation of 20 additional Empowerment Zones (15 urban and 5 rural), and provided for tax incentives for these new zones. However, that Act did not provide the flexible grant funding critical to the core concept and mission of the EZ/EC Initiative. This bill provides for $1.7 billion in grant funds over a 10-year period, $1.5 billion for the urban zones and $0.2 billion for the rural zones. The application process for the second round of Empowerment Zones will begin in a few weeks. Communities will have several months to put together a comprehensive strategic plan that leverages private investment and provides for economic opportunity.

We can rebuild even our poorest areas if all the people in the community get together and decide to do it, and then find the tools they need to get it done. That’s why we are so committed to our approach. We believe in government as a catalyst—helping to bring communities together to plan their futures, giving them the tools they need to reach that future. And it’s working. For the first time in 30 years, we’re seeing success.

From the South Bronx to areas of the Mississippi Delta to South Central LA to North Kenwood in Chicago—there is a growing American renaissance that is turning abandoned buildings, empty lots, and crime-ridden street corners into new homes, new hope and new opportunity for the millions of Americans. This success makes us more and more convinced we’re on the right track to reverse decades of decay, and to remake America’s distressed areas into sources of pride and prosperity.

The hardest part is getting started, and we’ve got it started now all across the country. Now it’s just a matter of moving up the momentum by expanding the number of zones. With communities working from the inside, the federal government helping draw investment from the outside—I know this is a battle we’re going to win.

I urge all of my colleagues to join me in supporting quick passage of this legislation. I ask unanimous consent that the full 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. 1927

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the “Empowerment Zones Enhancement Act of 1998”.

SEC. 2. FUNDING ENTITLEMENT FOR ADDITIONAL EMPOWERMENT ZONES.

(a) Entitlement.—Section 2007(a)(1) of the Social Security Act (42 U.S.C. 1397f(a)(1)) is amended—

(1) in subparagraph (A), by striking “in the State; and” and inserting “in the State designated pursuant to section 1391(b) of the Internal Revenue Code of 1986;”;

(2) in subparagraph (B), by striking the period at the end and inserting “; and”;

(3) by adding after subparagraph (B) the following new subparagraph:

“(C) 10 grants under this section for each qualified empowerment zone in the State designated pursuant to section 1391(g) of such Code.”;

(b) Amount of Grants.—Section 2007(a)(2) of that Act (42 U.S.C. 1397f(a)(2)) is amended—

(1) in the heading of subparagraph (A), by inserting “ORIGINAL” before “EMPLOYMENT”;

(2) in subparagraph (A), in the matter preceding clause (i), by inserting “described in paragraph (1)(A)” after “empowerment zone”;

(3) by redesignating subparagraph (C) as subparagraph (D); and

(4) by inserting after subparagraph (B) the following new subparagraph:

“(C) ADDITIONAL EMPLOYMENT GRANTS.—The amount of each grant to a State under this section for a qualified employment zone in the State designated pursuant to section 1391(g) of such Code shall—

(i) if the zone is designated in an urban area, $10,000,000, or

(ii) if the zone is designated in a rural area, $1,000,000, multiplied by the proportion of the population of the zone that resides in the State.”;

(c) Timing of Grants.—Section 2007(a)(3) of that Act (42 U.S.C. 1397f(a)(3)) is amended—

(1) in the heading of subparagraph (A), by inserting “ORIGINAL” before “QUALIFIED”;

(2) in subparagraph (A), in the matter preceding clause (i), by inserting “described in paragraph (1)(A)” after “empowerment zone”; and

(3) by adding after subparagraph (B) the following new subparagraph:

“(C) ADDITIONAL QUALIFIED EMPOWERMENT ZONES.—With respect to each qualified empowerment zone described in paragraph (1)(C), the Secretary shall make—

(i) 1 grant under this subsection to the State in which the zone is located on the date of the designation of the zone under part I; and

(ii) 1 grant under this subsection to such State, on the first day of each of the nine fiscal years that begin after the date of the designation.”;

(d) Funding.—Section 2007(a)(4) of that Act (42 U.S.C. 1397f(a)(4)) is amended—

(1) by relocating and redesignating the matter following the caption as subparagraph (A); and

(2) by inserting “ORIGINAL GRANTS.” after the subparagraph designation “(A)”;

(3) in subparagraph (A), as so redesignated, by striking the period “for empowerment zones and enterprise communities described in subparagraphs (A) and (B) of paragraph (1)” and inserting “for empowerment zones and enterprise communities described in subparagraphs (A) and (B) of paragraph (1)”;

(4) by striking after subparagraph (A), as so redesignated, the following new subparagraph:

“(B) ADDITIONAL GRANTS.—$700,000,000 shall be made available to the Secretary for grants under this section for empowerment zones described in paragraph (1)(C).”;

SEC. 3. USE OF GRANTS FOR ECONOMIC DEVELOPMENT AND SIMILAR ARRANGEMENTS.

Section 2007(b) of the Social Security Act (42 U.S.C. 1397f(b)) is amended by adding at the end the following new section:

“(a) In order to assist disadvantaged adults and youth in achieving and maintaining economic self-support, a State may use amounts paid under this section to fund revolving loan funds or similar arrangements for the purpose of making loans, loan guarantees, financial services, or related activities more accessible to individuals, institutions, organizations, or businesses.

(b) Interest earned by, and repayments of principal and interest on loans made from revolving loan funds or similar arrangements in accordance with subparagraph (A), in amounts reasonably necessary to carry out the purposes of such subparagraph (A), shall be deemed to comply with any requirement to minimize the time elapsing between transfer of funds from the United States to any person and the issuance of payments for program purposes.”.

SEC. 4. RESPONSIBILITY FOR ENVIRONMENTAL REVIEW.

Section 2007 of the Social Security Act (42 U.S.C. 1397f) is amended—

(1) by redesignating subsection (f) as subsection (h); and

(2) by inserting after subsection (e) the following new subsection:

“(f) ENVIRONMENTAL REVIEW.—

(1) EXECUTION OF RESPONSIBILITY BY THE SECRETARY OF HOUSING AND URBAN DEVELOPMENT AND THE SECRETARY OF AGRICULTURE.—

(A) APPLICABILITY.—This subsection shall apply to grants under this section in connection with empowerment zones and enterprise communities designated under section 1391(a) of the Internal Revenue Code of 1986 and empowerment zones designated under section 1391(g) of such Code.

(B) EXECUTION OF RESPONSIBILITY.—With respect to grants described in subparagraph (A), the Secretary of Housing and Urban Development and the Secretary of Agriculture, as appropriate, shall execute the responsibilities under the National Environmental Policy Act of 1969 and other provisions of law which further the purposes of such Act as specified in this section, for the State, unit of general local government, or Indian tribe, as designated by the Secretary in accordance with regulations issued by the Secretary under paragraph (A), all of the responsibilities for environmental review, decisionmaking, and action pursuant to such Act, and such other provisions of law as the regulations of the Secretary specify, that would otherwise apply to the Secretary were the Secretary to undertake such projects as Federal projects.

(2) IMPLEMENTATION.—The Secretary of Housing and Urban Development and the Secretary of Agriculture shall each issue regulations to carry out this subsection only after consultation with the Council on Environmental Quality. Such regulations shall—

(i) specify any other provisions of law which further the purposes of the National Environmental Policy Act to which the assumption of responsibility as provided in this subsection applies;
“(ii) provide eligibility criteria and procedures for the designation of a State, unit of general local government, or Indian tribe to assume all of the responsibilities in this section;

“(iii) specify the purposes for which funds may be committed without regard to the procedure established under paragraph (3); and

“(iv) provide for monitoring of the performance of environmental reviews under this subsection;

“(v) in the discretion of the Secretary, provide for consultation or facilitation of training for such performance; and

“(vi) subject to the discretion of the Secretary, provide for suspension or termination by the Secretary of the assumption of the responsibility referred to in subparagraph (A).”

“(C) Responsibilities of State, unit of general local government, or Indian tribe.—The Secretary’s duty under subparagraph (B) shall not be construed to limit any responsibility assumed by a State, unit of general local government, or Indian tribe with respect to any particular release of funds under subparagraph (A).

“(3) Procedure.—The Secretary shall approve the release of funds for projects subject to the procedures authorized by this subsection only if, not less than 15 days prior to such approval and prior to any commitment of funds to such projects (except for such amounts reflected in the regulations issued under paragraph (2)(B)), the recipient submits to the Secretary a request for such release accompanied by a certification of the State, unit of general local government, or Indian tribe which meets the requirements of paragraph (4). The approval by the Secretary of any such certification shall be deemed to satisfy the Secretary’s responsibilities pursuant to paragraph (1) under the National Environmental Policy Act of 1969 and such other laws as the regulations of the Secretary prescribe as those responsibilities relate to the releases of funds for projects to be carried out pursuant thereto which are covered by such certification.

“(4) Certification.—A certification under the procedures authorized by this subsection shall—

“(A) be in a form acceptable to the Secretary;

“(B) be executed by the chief executive officer or other officer of the State, unit of general local government, or Indian tribe who qualifies under regulations of the Secretary;

“(C) specify that the State, unit of general local government, or Indian tribe under this subsection—

“(i) carry out its responsibilities as described under paragraph (2); and

“(D) specify that the certifying official—

“(i) consents to assume the status of a responsible Federal official under the National Environmental Policy Act of 1969 and each provision of law specified in regulations issued pursuant to subparagraph (A) as those provisions of such Act or other provision of law apply pursuant to paragraph (2); and

“(ii) is authorized and consents on behalf of the State, unit of general local government, or Indian tribe and himself or herself to accept the jurisdiction of the Federal courts for the purpose of enforcement of the responsibilities assumed by such official.

“(5) Approval by States.—In cases in which a unit of general local government carries out the responsibilities described in paragraph (4)(A), the Secretary may permit the State to perform those actions of the Secretary described in paragraph (3). The performance of such actions by the State, whereby permission is granted by the Secretary, may permit the State to satisfy the responsibilities referred to in the second sentence of paragraph (3).”.

“SEC. 5. PERFORMANCE MEASUREMENT AND EVALUATION; GRANT ADJUSTMENTS.

Section 2007(b) of the Social Security Act (42 U.S.C. 1397f), as amended by section 4, in further amended by adding after subsection (f) the following subsection:

“(g) PERFORMING MEASUREMENT SYSTEM, REPORTS, AND EVALUATIONS, GRANT ADJUSTMENTS, AND RELATED MATTERS.—

“(1) APPLICABILITY.—The requirements of this subsection—

“(A) apply to all grants made by a State, from grants to the State under subsection (a)(2)(C), to lead implementing entities (as defined in paragraph (7)) for empowerment zones designated pursuant to section 1391(g) of the Internal Revenue Code of 1986 (26 U.S.C. 1391(g)); and

“(B) are in addition to the annual report and biennial audit requirements applicable to States under section 2006.

“(2) PERFORMANCE MEASUREMENT SYSTEM.—

“The lead implementing entity for an empowerment zone shall establish a performance measurement system acceptable to the Secretary to assist in assessing the extent to which its strategic plan is being implemented and funds made available under subsection (a)(2)(C) are being used effectively.

“(3) PERFORMANCE REPORTING.—Each lead implementing entity shall submit to the Secretary (and make available to the public upon request), at such time and in such manner as the Secretary may prescribe, a report including an assessment of the progress the empowerment zone has made toward implementing its strategic plan, and such other information as the Secretary shall prescribe. To the extent practicable, the report shall also include information available to the lead implementing entity with respect to the use of tax incentives available to empowerment zones designated pursuant to section 1391(g) of the Internal Revenue Code of 1986.

“(4) PERFORMANCE EVALUATIONS, ADJUSTMENTS, AND RECORDKEEPING.—

“(A) PERFORMANCE EVALUATIONS.—The Secretary shall regularly evaluate the progress of the lead implementing entity for the empowerment zone in implementing the strategic plan for the zone, on the basis of performance reviews and any other information that the Secretary may require.

“(B) ADJUSTMENTS.—Based on the basis of the Secretary’s evaluation under subparagraph (A), the Secretary may direct the Secretary of Health and Human Services to adjust, reduce, or cancel the grants under subsection (a)(2)(C) for the current or any future fiscal year or years, except that amounts already properly expended by a lead implementing entity on eligible activities under this Act shall not be recaptured or deducted from future grants to the State.

“(C) RETENTION OF RECORDS.—Each lead implementing entity shall keep such records relating to funds received from grants to the State under subsection (a)(2)(C), including the amounts, periods, and types of such funds, and the types of activities funded, as the Secretary determines to be necessary to enable the Secretary to evaluate the performance of the lead implementing agency and to determine compliance with the requirements of this subsection.

“(6) SECRETARY’S ACCESS TO DOCUMENTS.—

“The Secretary may, for the purpose of evaluations and examinations pursuant to paragraph (4)(A), to any books, documents, papers, and records of any grantee or other entity or person that are pertinent to the performance reviews and any other information under this section—

“(A) ‘The term ‘lead implementing entity’ means the local government or governments, the governance body of an empowerment zone as specified in the strategic plan, or any non-profit entity that is principal administrator of an empowerment zone.

“(B) The term ‘Secretary’ means the Secretary of Housing and Urban Development for purposes of grants under this section with respect to rural areas, except as the context otherwise indicates.

“SEC. 6. TECHNICAL AMENDMENTS.

Section 2007(b) of the Social Security Act is amended—

“(1) in paragraph (2), in the matter preceding subparagraph (A), by striking “to prevent”; and

“(2) in paragraph (4), in the matter preceding subparagraph (A), by striking “maintain” and inserting “maintaining”.

By Mr. LEAHY:

S. 1928. A bill to protect consumers from overcollections for the use of pay telephones, to provide consumers with information to make informed decisions about the use of pay telephones, and for other purposes; to the Committee on Commerce, Science, and Transportation.

THE CONSUMER PAY TELEPHONE PROTECTION ACT

Mr. LEAHY. Mr. President, I have voiced my great disappointment many times with how the Telecommunications Act of 1996 is costing consumers millions of dollars.

I complained about this at the time the bill was passed, and continue to be concerned that Vermonters are being taken to the cleaners.

I was one of five Senators to vote against that bill. I thought it was clear then, and it should be clear by now to everyone, that the Telecommunications bill means higher costs for consumers.

As other hi-tech industries, such as computer technology, offer lower and lower prices over time—the telephone and TV industries are presenting consumers with higher and higher charges.

For example, I am mad as hell that pay phone charges in Vermont went up to 35 cents—from 10 cents.

But what annoys me more is that if I do not have exact change—if I use two quarters—the change the phone company keeps is more than the ten cents the call used to cost.

I have been know to say “keep the change” when I take my change out at restaurants, or when I buy a newspaper.

But I do not like phone companies taking my change. I am fed up with pay phone service providers nickel and diming consumers.

This bill will make phone companies provide change to consumers at the pay phone—or provide a credit in the amount of the lost change to the consumer or to states to be used to help consumers. My bill will also give the FCC broad authority to control pay phone rates, if necessary.

The bill permits pay phone providers in Vermont to issue a credit when
change is not provided to the consumer which would go to Vermont. This means that Vermont could provide better pay phone service for public safety or health reasons.

For example, this fund could be used by states to provide better pay phone service to those with disabilities, or those living in nursing homes. It would provide funding for pay phones to be placed in remote areas in case of emergencies.

I would rather this change go directly to the consumer, and believe when this bill is fully implemented that most consumers will not be overcharged for calls.

In the meantime, however, I would rather have the change used to benefit Vermonters than to go to the phone companies.

There are over 2 million pay phones in the United States. The Washington Post explained on Monday that if 75 percent of those pay phones charge 35 cents for a local call and if just one person a day overpays 15 cents at each of those phones, companies would get more than $325,000 extra a day, or about $10 million a month.

My guess is that this hugely understimates the size of this windfall. Keep in mind this windfall, in Vermont, is on top of the raise from 10 cents to 35 cents. I have also noticed fewer and fewer phone booths except at places such as airports or train stations where consumers are in a hurry and may not have time to track down change.

My bill goes beyond just keeping phone companies from getting windfall profits. It calls for a national investigation of monopoly pricing and price gouging in the pay telephone market. It also mandates that the Federal Communications Commission the tough new authority to deal with this problem. It allows them to give states the right to establish rates for local calls if necessary to stop overcharging. Remember when Vermont was in charge before the Telecommunications Act passed the pay phone rates were a dime.

My bill will also encourage the development of new technologies so that consumers are not overcharged for local phone calls to begin with.

My bill also provides funding—and the money comes from telephone companies not consumers—for public interest pay phones. These are phones which the FCC has determined each state should provide to its citizens in areas where there otherwise might not be a phone. They did this in a decision issued on October 7, 1996.

This was a good idea—but there is no federal funding to implement the decision.

In addition, it is uneconomically for a phone company to provide a pay phone in remote areas of Vermont. But in a roadside emergency these phones could be vital. Wilson would provide for his program using money that now just goes out of your pockets to the phone companies.

Also, public interest pay phones could be placed in nursing homes, emergency homeless shelters, emergency rooms in hospitals, and other similar places.

Emergency 911 calls would be free from these phones, and other calls would cost but at least there would be a phone in a location where there otherwise might not be one.

What is best about this approach is that Vermonters would have to use this funding that now goes directly into the coffers of phone companies.

I have also designed the bill in a way that prevents phone companies from trying to take advantage of this situation.

The bill gives the Federal Communications Commission board powers to ensure that the pay phone providers "do not pass any costs relating to such compliance to consumers."

It also mandates that the FCC monitor this situation and ensure that implementation does not result in any reduction in pay phone service.

The bill requires that pay phone companies charge for local phone calls provide either cash change or other alternatives to consumers, or credits to states equal to the value of the unpaid change.

These credits would be used by states for telecommunications activities that promote the public interest, such as safety, health, emergency services, or education and promote public interest pay phones in hospitals, schools, homeless shelters, facilities for the disabled, and at similar types of locations.

The bill directs the Federal Communications Commission to deregulate the provision of payphone service to encourage the widespread deployment of public interest telephones.

The bill gives the FCC board powers to require payphone service providers to—

(1) to require payphone service providers—
(a) to provide cash change to telephone users who deposit amounts for local telephone calls in excess of the amounts charged for such calls;
(b) in the event that such providers do not provide such change, to transfer amounts charged for such calls to consumers who do not have the exact amount of the charge for their use.
(2) to encourage such changes in pay telephone technology as are needed to assure that payphone service providers provide such change to pay telephone users who do not have the exact amount of the charge for local telephone calls; and
(3) to require the Federal Trade Commission to determine—
(A) whether dysfunctions exist in the market for payphone service including local monopolies in which the size of the market is enough to dominate the ability of payphone service from a single provider; and

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

S. 1928

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 "Consumer Pay Telephone Protection Act of 1998".

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress makes the following findings:

(1) Payphone service providers should charge pay telephone users only for the actual time of use of pay telephones.

(2) Most consumers, if given a choice, would prefer that any amount of such excess deposits that are not refunded to consumers be used for pay telephone public health, safety, and welfare purposes rather than have such excess deposits accrue to the financial benefit of payphone service providers.

(3) There are over 2 million pay phones in the United States, and payphone service providers accrue substantial revenue at the expense of Americans who do not have the exact amount of the charge for their use.

(4) A decision of the Federal Communications Commission to deregulate the provision of payphone service was premature and did not address adequately the need for local competition that would benefit users of pay telephones.

(b) PURPOSE.—The purpose of this Act is—

(1) to provide cash change to telephone users who deposit amounts for local telephone calls in excess of the amounts charged for such calls; or

(2) to encourage such changes in pay telephone technology as are needed to assure that payphone service providers do not charge pay telephone users for the purpose of advising consumers when cash change will not be provided.

The bill directs the FCC to reconsider its rules under which the FCC removed authority from states to regulate the charge for local calls made over pay phones. The FCC would reexamine the need for states to have greater decision making roles where local competition between pay phone providers is not present.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.
(B) whether rates for coin-operated pay telephones for local telephone calls are mar-
ket based.

SEC. 3. PUBLIC INTEREST PAY TELEPHONES.
Section 276(b)(2) of the Communications Act of 1934 (47 U.S.C. 276(b)(2)) is amended to read as follows:

"""(2) PUBLIC INTEREST PAY TELEPHONES.—
"""(A) SENSE OF CONGRESS.—It is the sense of Congress that—
"""(i) in the interest of the public health, safety, and welfare, public interest pay tele-
phones should be available and maintained in locations where there would not otherwise likely be a pay telephone; and
"""(ii) such public interest pay telephone service should be fairly and equitably supported.
(B) USE OF FUNDS.—In accordance with such regulations as the Commission shall pre-
scribe, each State agency that receives amounts under subsection (c)(2)(A) shall use such amounts to promote or otherwise sup-
port the installation, maintenance, and use of public interest pay telephones, including specially designed payphones for the disabled and the provision of pay phone service in remote locations, nursing homes, emergency homeless shelters, hospitals, facilities that assist the disabled, schools, and other appro-
priate areas determined by the State agency concerned."

SEC. 4. REQUIREMENT FOR CHANGE AT PAY TELEPHONES.
(a) REQUIREMENT.—Section 276 of the Com-
 munications Act of 1934 (47 U.S.C. 276), as amended by section 3 of this Act, is further amended—

(1) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively; and
(2) by inserting after subsection (b) the fol-
lowing new subsection (c):

"""(c) CHANGE AT PAY TELEPHONES.—
"""(1) To set limitations on rates for pay tele-
phones which contracts cover multi-
ple carriers, a payphone service provider may, in writing, of any determination or revocation of a determination under this subsection.

"""(2) By Mrs. HUTCHISON (for herself, Mr. MURKOWSKI, Mr. NICKLES, and Mr. DOMENICI):
S. 1929. A bill to amend the Internal Revenue Code of 1986 to provide tax in-
centives to encourage production of oil and gas within the United States, and for other purposes; to the Committee on Finance.

SEC. 3. STUDY OF COMPETITIVENESS OF PAY TELEPHONE MARKET.
(a) STUDY.—
"""(1) IN GENERAL.—The Federal Trade Com-
mission shall, in consultation with the Fed-
eral Communications Commission, carry out a study of competition in the market for inter-
exchange payphone service.
(A) whether or not locational monopolies in such service exist by reason of the size of particular markets for such service;
(B) whether or not rates for local pay phone calls are market-based; and
(C) whether or not there is evidence of mo-
nopoly pricing in such service.

(b) REPORT.—Not later than one year after the date of enactment of this Act, the Fed-
eral Trade Commission shall submit to Con-
gress a report on the results of the study con-
ducted under subsection (a), which report shall include the findings of the Commission with respect to the matters set forth under paragraph (1) of that subsection.

(c) FEDERAL COMMUNICATIONS COMMISSION ACTION.—Notwithstanding any provision of the Communications Act of 1934 (47 U.S.C. 151 et seq.), the Federal Communications Commission may, as a result of the study under subsection (a), conduct a rule-making proceeding in order to accomplish any of the following:

(1) set limitations on rates for local pay tele-
phone calls.

(2) To permit the States to establish rates for such calls on a cost basis.

(3) To permit the States to allow the commissions that payphone service providers may pay to persons who lease space to such providers for pay tele-
phones.

(4) To prohibit payphone service providers from entering into exclusive contracts with persons who lease space to such providers for pay telephones which contracts cover multiple locations.

By Mrs. HUTCHISON (for herself, Mr. MURKOWSKI, Mr. NICKLES, and Mr. DOMENICI):

S. 1929. A bill to amend the Internal Revenue Code of 1986 to provide tax in-
centives to encourage production of oil and gas within the United States, and for other purposes; to the Committee on Finance.

THE U.S. ENERGY ECONOMIC GROWTH ACT

By Mrs. HUTCHISON. Mr. President, a healthy domestic energy industry is critical to our nation’s security and our economic well-being. That is why I am pleased today to introduce the U.S. Energy Economic Growth Act. My legislation provides much needed tax re-

April 2, 1998

CONGRESSIONAL RECORD — SENATE

S3145

more critical time. The price of crude

puts under subsection (b)(2)."""
oil recently dipped to its lowest level since April 1994. This downturn in world oil prices has exposed America’s independent producers to great risk. If current market conditions persist, as is expected, thousands of wells could become unprofitable, and be shut down or permanently plugged. It is time we acted to ensure this does not happen, and my bill is the first step in that direction.

The U.S. Energy Economic Growth Act will do three things.

Marginal Wells Tax Relief

First, this bill provides tax relief for producers who operate marginal oil and gas wells. A marginal oil well is one that produces less than 15 barrels per day or produces heavy oil. A marginal gas well is one that produces less than 50 thousand cubic feet a day. Those who operate marginal wells are most at risk in times of lower oil prices. The National Petroleum Council (NPC) reported that America has over 500,000 marginal wells that collectively produce nearly 700 million barrels of oil equivalent each year. Texas alone has over 100,000 marginal wells. These wells contribute nearly 80,000 jobs and generate close to $1 billion each year in economic activity.

In addition, plugging or the abandonment of these marginal wells led to a loss of more than 3,600 high-quality jobs and a loss of $84.1 million in earnings in 1996. States and federal governments lost $18.5 million in severance taxes and an equal amount of ad valorem taxes from wells plugged during 1996.

Many domestic oil and gas businesses rely on these marginal wells as the backbone of their operations. However, as global market factors cause commodity prices to fluctuate, the economic viability of these wells is precarious. Marginal wells provide countless jobs, energy security and federal and royalty revenues. The tax credits in my bill will help keep these marginal wells in production and employ the many Americans employed. My bill provides for a maximum $3 per barrel tax credit for the first 3 barrels of daily production from an existing oil well. In addition, marginal gas well will receive $0.50 per mcf for the first 18 mcf of daily natural gas production.

In addition, this tax credit would only occur when prices are low. This credit is phased out when prices for oil and natural gas increase.

Enhanced Oil Recovery Tax Credit

The second plank of my bill creates an incentive for independent oil and gas producers to recover abandoned wells and put them back into production. This provision allows producers to exclude income attributable to oil and natural gas from a recovered inactive well. In order to qualify, the oil or gas well must have been abandoned for at least two years prior to the date of enactment. In addition, this incentive would only apply to wells that are brought back on line within 5 years of the date of enactment.

This economic incentive has a proven track record. In Texas, a similar law resulted in returning over 6,000 wells to production. The estimated annual production from these wells is worth $565 million at the wellhead, and approximately $1.65 billion to the economy of Texas each year. The wealth from this incentive package would create over 10,000 direct and indirect jobs each year. The Texas legislature receives an estimated $22 million in additional annual tax revenues, over ten thousand jobs have been created, and $1.65 billion a year in wealth is generated. Over 90,000 idle wells remain in Texas. This incentive package would help return them to production and allow them to contribute to a strong economy in America.

Thirteen states have inactive well recovery programs, including Alaska, Arkansas, California, Florida, Kansas, Louisiana, Mississippi, Montana, New Mexico, North Dakota, Oklahoma, Texas, Wyoming. This federal program would allow the benefits experienced in Texas to be taken national. This incentive package would help return them to production and allow them to contribute to a strong economy in America.

Importantly, this provision increases the amount of revenue going into the federal government in two ways. First, the additional tax revenue generated by Texas and other states to oil wells will increase. Second, the new jobs created will add significantly to the taxes paid on wages and earnings. This one-time shot-in-the-arm for the industry will provide countless jobs and considerable economic benefit to our communities.

Other Incentives

The third provision of my bill makes changes to the tax code that makes it easier for producers to take full advantage of already existing tax credits. Under the current provisions, both geological and geophysical expenditures on domestic production and delay rental payments would be allowed to be expensed at the time incurred rather than capitalized over the length of the well. This election would allow producers more control over their income stream without changing the amount of tax.

In addition, two relatively new types of drilling methods are included as a qualified enhanced oil recovery method for purposes of the Enhanced Oil Recovery Tax Credit. These two drilling methods, hydroy-injection and horizontal drilling, would be included on the list of qualified methods. They provide us with some of the most innovative means of drilling and we should encourage producers to utilize these and other productive methods.

Mr. President, my legislation provides incentives for the most threatened parts of the oil and gas industry. Relief for marginal and inactive wells encourages full utilization of existing wells, clearly provides jobs and helps the local economy grow. I encourage my colleagues to support this legislation and our local communities by making marginal and inactive wells productive contributors to the local economy. Our energy security depends upon it.

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. 1929

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

TITLE I—PRODUCTION FROM MARGINAL AND INACTIVE WELLS

SEC. 101. TAX CREDIT FOR MARGINAL DOMESTIC OIL AND NATURAL GAS WELL PRODUCTION.

(a) CREDIT FOR PRODUCING OIL AND GAS FROM MARGINAL WELLS.—Subpart D of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to business credits) is amended by adding at the end the following new section:

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of natural gas to 1 barrel of crude oil.

(2) LIMITATION ON AMOUNT OF PRODUCTION WHICH MAY QUALIFY.—

(A) IN GENERAL.—Crude oil or natural gas produced in taxable years ending before the date of the enactment of this section, which well shall not be treated as qualified crude oil production or qualified natural gas production to the extent production from the well in a taxable year exceeds 1,066 barrels or barrel equivalents.

(B) PROPORtioNATE REDUCTIONS.—

(i) REQUIREMENTS.—In the case of a short taxable year, the limitations under this paragraph shall be proportionately reduced to reflect the ratio which the number of days of production bears to 365.

(ii) NOT IN ENTIRE PRODUCTION YEAR.—In the case of a well which is not capable of production during each day of a taxable year, the limitations under this paragraph applicable to the well shall be proportionately reduced to reflect the ratio which the number of days of production bears to the total number of days in the taxable year.

(3) DEFINITIONS.—

(A) MARGINAL WELL.—The term ‘marginal well’ means a domestic well which during the taxable year in which such well is located has qualified crude oil or gas well production credit.

(B) BARREL EQUIVALENT.—The term ‘barrel equivalent’ means, with respect to natural gas, a conversion ratio of 6,000 cubic feet of natural gas to 1 barrel of crude oil.

(d) OTHER RULES.—

(1) PRODUCTION ATTRIBUTABLE TO THE TAXPAYER.—In the case of a marginal well in which there is more than one owner of operating interests in the well and the crude oil or natural gas production exceeds the limitation under subsection (c)(2), qualifying crude oil production or qualifying natural gas production attributable to the taxpayer shall be determined on the basis of the ratio which taxpayer’s revenue interest in the production bears to the aggregate of the revenue interests of all operating interest owners in the production.

(2) OPERATING INTEREST REQUIRED.—Any credit under this section may be claimed only on production which is attributable to the holder of an operating interest.

(3) PRODUCTION FROM NONCONVENTIONAL SOURCES EXCLUDED.—In the case of production from a marginal well which is eligible for the credit allowed under section 29 for the taxable year, no credit shall be allowable under this section unless the taxpayer elects not to claim the credit under section 29 with respect to the production.

(b) CREDIT TREATED AS BUSINESS CREDIT.—Section 38(b) of such Code is amended by striking ‘plus’ at the end of paragraph (11), by striking ‘at the end of paragraph (12) and inserting ‘, plus’, and by adding at the end the following new paragraph:

(‘) CREDIT ALLOWED AGAINST REGULAR AND MARGINAL OIL AND GAS WELL PRODUCTION CREDIT.—For purposes of this sub- section, the term ‘marginal oil and gas well production credit’ means the credit allowable under subsection (a) by reason of section 45D(a)."

(2) CONFORMING AMENDMENT.—Subclause (I) of section 38(c)(2)(A) of such Code is amended by inserting ‘or the marginal oil and gas well production credit’ after ‘employment credit’.

(d) CARRYBACK.—Subsection (a) of section 39 of such Code (relating to carryback and carryforward of unused credits generally) is amended by adding at the end the following new paragraph:

(’’) by substituting ‘10 taxable years’ for ‘1 taxable year’ in subparagraph (A) thereof, and

(‘’) by substituting ‘10 taxable years’ for ‘22 taxable years’ in subparagraph (A) thereof, and

(‘’) by substituting ‘10 taxable years’ for ‘31 taxable years’.

(e) COORDINATION WITH SECTION 29.—Section 29(a) of such Code is amended by striking ‘There’ and inserting ‘At the election of the taxpayer, there’.  

(f) CLERICAL AMENDMENT.—The table of sections for part D of part IV of subchapter A of chapter 1 of such Code is amended by adding at the end the following item:  

‘45D. Credit for producing oil and gas from marginal wells.’

(3) RECOVERED INACTIVE WELL.—The term ‘recovered inactive well’ means a well which the Secretary, not later than the time prescribed for filing the return (including extensions thereof) and shall be made annually on a property-by-property basis.

(b) MINIMUM TAX.—Section 56(g)(4)(B) of the Internal Revenue Code of 1986 is amended by adding at the end the following new clause:

‘(iii) INACTIVE WELLS.—In the case of income attributable to independent producers of oil recovered from an inactive well, clause (g)(i) shall not apply to any amount allowable as an exclusion under section 139.’

(c) CLERICAL AMENDMENT.—The table of sections for part III of chapter 3 of such Code is amended by inserting the item relating to section 139 and inserting the following:

‘Sec. 139. Oil or gas produced from a recovered inactive well.

Sec. 140. Cross references to other Acts.’

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years ending after the date of the enactment of this Act.

TITLE II—OTHER INCENTIVES

SEC. 102. EXCLUSION OF CERTAIN AMOUNTS RECEIVED FROM RECOVERED INACTIVE WELLS.

(a) IN GENERAL.—Part III of subchapter B of chapter 1 of the Internal Revenue Code of 1986 (relating to items specifically excluded from gross income) is amended by redesignating section 139 as section 140 and by inserting after section 139 the following new section:

‘Sec. 139. Oil or gas produced from a recovered inactive well.

(1) IN GENERAL.—The term ‘recovered inactive well’ means a well which the Secretary, not later than the time prescribed for filing the return (including extensions thereof) and shall be made annually on a property-by-property basis.

(b) CONFORMING AMENDMENT.—Section 263(i),’’ after ‘‘263(j),’’.

(c) EFFECTIVE DATE.—(1) IN GENERAL.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

(2) TRANSITION RULE.—(a) The provisions described in section 263(i),’’ after ‘‘263(j),’’.

(b) CONFORMING AMENDMENT.—Section 263(i),’’ after ‘‘263(j),’’.

(c) EFFECTIVE DATE.—(1) IN GENERAL.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

(2) TRANSITION RULE.—In the case of any expenses described in section 263(i),’’ after ‘‘263(j),’’.

(b) CONFORMING AMENDMENT.—Section 263(i),’’ after ‘‘263(j),’’.

(c) EFFECTIVE DATE.—(1) IN GENERAL.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

(2) TRANSITION RULE.—In the case of any expenses described in section 263(i),’’ after ‘‘263(j),’’.
taxpayer may elect, at such time and in such manner as the Secretary of the Treasury may prescribe, to amortize the unamortized portion of such expenses over the 36-month period beginning with the month in which the date of enactment of this Act occurs. For purposes of this paragraph, the unamortized portion of any expense is the amount remaining unamortized as of the first day of the 36-month period.

SEC. 202. ELECTION TO EXPENSE DELAY RENTAL PAYMENTS.

(a) IN GENERAL.—Section 263 of the Internal Revenue Code of 1986 (relating to capital expenditures), as amended by section 259(a), is amended by adding at the end the following new subsection:

"(k) DELAY RENTAL PAYMENTS FOR DOMESTIC OIL AND GAS WELLS.—

"(1) IN GENERAL.—Notwithstanding subsection (a), a taxpayer may elect to treat delay rental payments incurred in connection with the development of oil or gas within the United States (as defined in section 639) as payments which are not chargeable to capital account. Any payments so treated shall be allowed as a deduction in the taxable year in which paid or incurred.

"(2) DELAY RENTAL PAYMENTS.—For purposes of this section, the term 'delay rental payment' means an amount paid for the privilege of deferring development of an oil or gas well.

(b) CONFORMING AMENDMENT.—Section 263A(c)(3) of the Internal Revenue Code of 1986, as added by section 201(a), is amended by adding at the end the following sentence:

"The remaining unamortized as of the first day of the 36-month period.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall apply to payments made or incurred after the date of enactment of this Act.

(2) TRANSITION RULE.—In the case of any payments described in section 263A(c)(3) of the Internal Revenue Code of 1986, as added by section 201(a), the term 'delay rental payment' means an amount paid or incurred on or before the date of enactment of this Act, the taxpayer may elect, at such time and in such manner as the Secretary of the Treasury may prescribe, to amortize the unamortized portion of such payments over the 36-month period beginning with the month in which the date of enactment of this Act occurs. For purposes of this paragraph, the unamortized portion of any payment described in this subparagraph is determined as of the first day of the 36-month period.

SEC. 203. EXTENSION OF SPUDDING RULE.

(a) IN GENERAL.—Section 631(h)(2)(A) of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

"(i) In the case of a qualified nontertiary recovery method described in clause (ii), (iii), or (iv), the term 'delay rental payment' means an amount paid for the privilege of deferring development of an oil or gas well.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 1997.

SEC. 204. ENHANCED OIL RECOVERY CREDIT EXTENDED TO CERTAIN NONTERTIARY RECOVERY METHODS.

(a) IN GENERAL.—Section 43(c)(2)(A) of the Internal Revenue Code of 1986 (defining qualified enhanced oil recovery project) is amended to read as follows:

"(i) one or more tertiary recovery methods (as defined in section 193(b)(3)) which can reasonably be expected to result in a significant increase in the amount of crude oil which will ultimately be recovered, or

"(ii) one or more nontertiary recovery methods which are required to recover oil with traditionally immobile characteristics or from formations which have proven to be uneconomical or noncommercial under conventional recovery methods; and

"(b) QUALIFIED NONTERTIARY RECOVERY METHODS.—Section 43(c)(2) of the Internal Revenue Code of 1986 is amended by adding at the end the following new subparagraphs:

"(C) QUALIFIED NONTERTIARY RECOVERY METHOD.—For the purposes of this paragraph—

"(1) IN GENERAL.—The term 'qualified nontertiary recovery method' means any recovery method described in clause (ii), (iii), or (iv), or any combination thereof.

"(ii) ENHANCED GRAVITY DRAINAGE (EOD) METHODS.—The methods described in this clause are as follows:

"(A) HORIZONTAL DRILLING.—The drilling of horizontal, rather than vertical, wells to penetrate any hydrocarbon-bearing formation which has an average in situ calculated permeability to fluid flow of less than or equal to 12 or less millidarcies and which has been demonstrated by use of a vertical well bored drilled not more than 1,000 feet with lateral horizontal lengths in excess of 1,000 feet.

"(B) GRAVITY DRAINAGE.—The production of oil by gravity flow from drainholes that are drilled from a shaft or tunnel dug within or below the oil-bearing zone.

"(C) MARGINALLY ECONOMIC RESERVOIR RECOVERY METHOD.—The methods described in this clause are as follows:

"(1) CYCLIC GAS INJECTION.—The increase or maintenance of pressure by injection of hydrocarbon gas into the reservoir from which it was originally produced.

"(2) FLOODING.—The injection of water into an oil reservoir to displace oil from the reservoir rock and into the bore of a producing well.

"(D) OTHER METHODS.—Any method used to recover oil having an average laboratory measured air permeability less than or equal to 100 millidarcies when averaged over the productive interval being completed, or an in situ calculated permeability to fluid flow less than or equal to 12 millidarcies or oil defined by the Department of Energy as being immobile.

"(2) AUTHORITY TO ADD OTHER NONTERTIARY RECOVERY METHODS.—The Secretary shall provide procedures under which—

"(i) the Secretary may treat methods not described in clause (ii), (iii), or (iv) of subparagraph (A) as qualified nontertiary recovery methods;

"(ii) a taxpayer may request the Secretary to treat any method as a qualified nontertiary recovery method;

"(ii) the Secretary may only specify methods as qualified nontertiary recovery methods under this subparagraph if the Secretary determines that such specification is consistent with the purposes of paragraph (C) and will result in greater production of oil and natural gas.

(b) CONFORMING AMENDMENT.—Clause (ii) of section 43(c)(2)(A) of the Internal Revenue Code of 1986 is amended to read as follows:

"(2) in the case of a tertiary recovery method, the first injection of liquids, gases, or other matter commences after December 31, 1990, or

"(3) in the case of a qualified nontertiary recovery method, the implementation of the method begins after December 31, 1990.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years ending after December 31, 1997.

By Mr. NICKLES (for himself, Mr. DOMENICI, Mr. MUKWOSKI, Mrs. HUTCHISON, Mr. BREAUX, and Mr. DAVIS):

S. 390. A bill to provide certainty for, reduce administrative and compliance burdens associated with, and streamline and improve the collection of royalties from Federal and outer continental shelf oil and gas leases, and for other purposes; to the Committee on Energy and Natural Resources.

THE ROYALTY ENHANCEMENT ACT OF 1998

Mr. NICKLES. Mr. President, once again, our domestic oil and gas producers are facing devastating losses due to a significant drop in oil prices. This crisis creates a dangerous situation for the industry and for our national security. Unfortunately, the policies and practices of the Administration have exacerbated the problem, not helped. If we are to maintain a viable domestic petroleum industry, we must reverse these practices. An important step towards this end is reforming the Department of Interior’s erratic, ever-changing royalty valuation practices. The Royalty Enhancement Act, that I am introducing today, will reduce regulatory costs and promote development of federal oil and gas resources vital to our national security. It will also significantly reduce the administrative costs associated with the federal royalty payment system.

Minerals Management Service (MMS), the agency within the Department of Interior given responsibility for administering royalties from federal leases, has been an oil and gas producers a bureaucratic labyrinth of rules and regulations. One of the most fundamental concepts of our society is the ability of any citizen, in particular, citizens who are parties to contracts with the federal government to be assured that the Federal government will not overreach and unilaterally interpret those contracts. Such a situation is what we have today with oil and gas producers who have entered into contracts with the Federal government to expend their capital and resources to explore for, drill and produce valuable oil and gas reserves in the United States and offshore.

In the past few years oil and gas producers, both independent and major, have become increasingly frustrated with the unwillingness by MMS to produce a simplified and certain valuation method that accurately captures the value of oil or gas at the lease. This is a value that is based upon what lessee owes and the American taxpayer deserves to be paid.

Recently, the MMS has proposed a new oil valuation rule which is the most administratively burdensome and complex method, available to the government. This new rule looks like the Clinton health care plan and makes the IRS code look simple. In short, the current MMS valuation system is badly broken and their outstanding oil proposal will only make it worse.

In 1985, I introduced the Federal Oil and Gas Royalty Simplification and Fairness Act because of the importance of federal royalty revenues to the United States Treasury and States.
The purpose of that legislation was to streamline and simplify the royalty management program for the over 20,000 federal lessees who are required to file over 3,000,000 reports annually. Despite the bipartisan support for my bill, MMS resisted this much needed reform for the entire leasing process. Fortunately, Congress saw the wisdom and need for the law and sent it to the President and it became effective in August, 1996.

What is Congressional action needed, Mr. President? Despite the obvious importance of the oil and gas industry to our national economy and global stability, the MMS has failed to get the message we sent them in 1996 that the American people can no longer tolerate their ineffective and inefficient bureaucracy. The MMS royalty valuation rules contain complicated formulas that can be both confusing and inaccurate. These ambiguous rules lead inevitably to expensive disputes and litigation that unnecessarily drain resources of both the federal government and the lessees.

To ensure that the American people receive their full and fair value of production royalties from oil and gas produced on federal lands, we need to create a royalty valuation system that provides certainty, simplicity and fairness to the federal government, States, oil and gas producers and the American taxpayers. Only by doing this will companies who produce oil and gas on federal lands be able to develop projects that will result in more royalties from this continued production. The best way to be absolutely certain that the government receives fair market value at the lease is for the government to take production in-kind and have it marketed and sold by qualified private sector marketers. This method will allow companies to do this with the expertise and experience to receive the best value for the United States.

Mr. President, it is not fair to subject companies who produce oil and gas on federal lands to the whim of the MMS royalty valuation rules which result in second-guessing of valuation years after oil and gas has been produced and sold. It is fundamentally unfair to the American people for the agency’s uncertain and ambiguous rules and practices to create delay in receipt of royalty revenues to the Treasury and to bear the expense of the government’s bureaucracy. For these reasons, I am introducing the Royalty Enhancement Act of 1998.

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

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

S. 398
Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,
SECTION 1. SHORT TITLE; TABLE OF CONTENTS.
(a) SHORT TITLE.—This Act may be cited as the "Royalty Enhancement Act of 1998."  
(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:
Sec. 1. Short title; table of contents.  
Sec. 2. Definitions.  
Sec. 3. Rights, obligations, and responsibilities.  
Sec. 4. Costs responsibility.  
Sec. 5. Transporter charges.  
Sec. 6. Imbalances.  
Sec. 7. Royalty-in-kind for trucked, tankered, or barged oil or gas.  
Sec. 8. Limitations on application.  
Sec. 9. Reporting.  
Sec. 10. Audit.  
Sec. 11. Lease terms not affected.  
Sec. 12. Eligible and small refiners.  
Sec. 13. Applicability.  
Sec. 15. Effective date; regulations.

SEC. 2. DEFINITIONS.

In this Act:
(1) AFFILIATE; AFFILIATED.—In this Act:
(A) has applied to the Secretary for certification as an eligible small refiner;  
(B) has a total crude oil and condensate refining capacity (including the refining capacity of any refinery that is owned by, or is under common control with such refinery) not exceeding 100,000 barrels per day;  
(C) is a corporation, company, partnership, trust or estate organized under the laws of the United States or of any State, territory, or municipality thereof, or is a person who is a United States citizen; and  
(D) has continuously operated a refinery in the United States for no less than 6 months immediately preceding the date of application for certification as an eligible small refiner.

(2) ELIGIBLE SMALL REFINER.—The term "eligible small refiner" means a refiner that:  
(A) is a person who is an eligible small refiner;  
(B) has a total crude oil and condensate refining capacity (including the refining capacity of any refinery that is owned by, or is under common control with such refinery) not exceeding 100,000 barrels per day;  
(C) is a corporation, company, partnership, trust or estate organized under the laws of the United States or of any State, territory, or municipality thereof; or is a person who is a United States citizen; and  
(D) has continuously operated a refinery in the United States for no less than 6 months immediately preceding the date of application for certification as an eligible small refiner.

(3) COMPRESSION.—The term "compression" means the process of raising the pressure of gas.

(4) CONDENSATE.—The term "condensate" means liquid hydrocarbons having a density exceeding 40 degrees of API gravity) recovered at the surface without resorting to processing. Condensate is that stabilized mixture of gas and liquid hydrocarbons which is produced at the surface as a result of condensation of petroleum hydrocarbons existing initially in a gaseous phase in an underground reservoir.
of the party affected which renders that party unable to carry out its obligations under this Act. Forcible majeure as used in this Act shall not include market conditions.

11. "Gas" means a fluid, whether combustible, noncombustible, hydrocarbon, or nonhydrocarbon, that—
   (A) is extracted from a reservoir;
   (B) has neither independent shape nor volume;
   (C) tends to expand indefinitely; and
   (D) is present in a gaseous or rarefied state under standard temperature and pressure conditions.

12. GATHERING.-The term "gathering" means the movement of unidentifiable, undeveloped lease production upstream of the delivery point to a central accumulation point on or immediately adjacent to the lease premises, and


14. LEASE OPERATOR; OPERATOR.—Each of the terms "lease operator" and "operator" means any person, including a lessee, who has control of or who manages operations on lease premises, according to the terms of the joint operating agreement or any other agreement or method by which an operator has control of or who manages operations, including production of oil or gas from such lands in accordance with the terms of the lease. A record title owner is the owner of operating rights under a lease and includes the conceptual or legal owner of operating rights or a portion thereof that have been transferred from record title.

15. LEASE PREMISES.—The term "lease premises" means all land and interests in land owned by the United States that are subject to an oil and gas lease issued under the mineral leasing laws, including mineral resources of mineral estate reserves to the United States in the conveyance of a surface or mineral estate.

16. LEASE PRODUCTION.—The term "lease production" means any produced oil or gas that is attributable to, originating from, or allocated to a Federal onshore or an outer continental shelf lease premises.

17. LESSEE.—The term "lessee" means any person to whom the United States issues an oil or gas lease under the terms of the lease to conduct drilling and reclamation operations and whose rates for carriage are regulated by a governmental authority under State law.

18. MERCHANTABLE CONDITION; MARKETABLE CONDITION.—Each of the terms "merchantable condition" and "marketable condition" means the condition of oil or gas that is sufficiently free of impurities to meet the requirements, as accepted by the lessee or its transporter of royalty oil and royalty gas from that lease premises either prior to or at the delivery point. Whether or not lease production is in merchantable condition shall not affect the responsibility of the party bearing the cost of gathering or transportation, as provided by this Act.

19. MINIMUM ROYALTY.—The term "minimum royalty" means the minimum amount of royalty from a lease that the lessee must pay, as specified in the lease or in applicable leasing regulations.

20. NET PROFIT SHARE LEASE ROYALTY PRIOR TO PAYOUT.—The term "net profit share lease royalty prior to payout" means the specified share of the net profit from production of oil and gas as provided in the lease.

21. OIL.—The term "oil"—
   (A) means a mixture of hydrocarbons that exists in the liquid phase in natural underground reservoirs and remains liquid at atmospheric pressure and temperature, whether or not associated with water and transported through surface separating facilities; and
   (B) includes condensate.

22. OIL AND GAS LEASE; LEASE.—Each of the terms "oil and gas lease" and "lease" means any contract, profit-share arrangement, or other agreement issued or main-tained in accordance with the Outer Continental Shelf Lands Act (43 U.S.C. 1301 et seq.) or the Mineral Land Leasing Act (30 U.S.C. 181 et seq.), and issued or approved by the Secretary of the Interior, that authorizes, permits, or requires that the United States shall take in kind under the terms of an oil and gas lease.

23. SECRETARY.—The term "Secretary" means the Secretary of the Interior.

24. TENDER.—The term "tender" means the act by which a lessee makes royalty oil or royalty gas produced from lease premises available to the United States for receipt.

25. TRANSPORTATION; TRANSPORT.—Each of the terms "transportation" and "transport" means any movement described as transportation in this paragraph. Such transportation shall include but not be limited to—
   (A) the movement of unseparated, unidentifiable lease production to a point not on or immediately adjacent to the lease premises, under a nonhydrocarbon contract;
   (B) any movement of separated, identifiable lease production regardless of whether such movement is on or off the lease premises for commercial processing or other purposes.

26. TRANSPORTER.—The term "transporter" means a person or entity who transports or provides transportation.

27. UNITED STATES.—The term "United States" means the United States of America and any agency, department, or instrumentality thereof.

SEC. 3. RIGHTS, OBLIGATIONS, AND RESPONSIBILITIES OF THE UNITED STATES.

1. RIGHTS, OBLIGATIONS, AND RESPONSIBILITIES OF THE UNITED STATES.—

   (1) GENERAL RULE.—Except as otherwise provided in section 8 of this Act, all royalty oil and royalty gas accruing to the United States under any oil and gas lease shall be taken in kind by the United States at the applicable delivery point for each lease premises.

   (2) OWNERSHIP AND RECEIPT BY UNITED STATES.—Ownership of all right, title and interest in royalty oil and royalty gas produced from oil and gas lease premises governed by this Act shall vest in the United States until sale or other disposition by the United States. Nothing in this Act shall limit the right of the United States to have its share of oil or royalty gas produced in such tanks or other surface facilities as the lessee may be expressly obligated to furnish under any applicable lease term. The United States shall not delay or defer the receipt of lease production, delay receipt of new production, or physically segregate the royalty share prior to receipt by the United States. The United States shall have custody, possession, and responsibility attendant thereto for royalty oil and royalty gas and shall keep an inventory of the stock in trade.

   (3) SELECTION OF AND CONTRACTS WITH A QUALIFIED MARKETING AGENCY.—(A) Except as provided in subsection (b), the Secretary shall, for each lease premises, contract with a person to act as a qualified marketing agent to market and dispose of royalty oil and royalty gas. Each qualified marketing agent shall be authorized to advise and consult with the Secretary on the sale and disposition of the royalty oil and royalty gas and to directly sell and broker the royalty oil and royalty gas.

   (B) To be eligible for a contract under this paragraph to act as a qualified marketing agent, a person must have the expertise necessary to perform the following functions: examine the market, process, dispose, broker, or sell royalty oil and royalty gas in accordance with
this Act. Under rules promulgated by the Secretary, the Secretary may designate any person as ineligible or place other requirements on a person to act as a qualified marketing agent or as a qualified marketing agent for each lease premises under this paragraph by reason of such person being affiliated with persons engaged in the, transporting, processing, or purchasing of royalty oil or royalty gas.

(C) The Secretary shall contract with not more than one qualified marketing agent for each lease premises for royalty oil and not more than one qualified marketing agent for each lease premises for royalty gas.

(D) The Secretary shall solicit competitive bids for contracts for qualified marketing agents. The Secretary shall promulgate rules within 12 months after the date of the enactment of this Act regarding the competitive manner in which qualified marketing agents shall be selected.

(E) The compensation of each qualified marketing agent—

(i) shall be determined and made by the Secretary without further appropriation based on the services to be performed by the qualified marketing agent; and

(ii) shall be established in the contract between the qualified marketing agent and the United States.

(F) Except as otherwise provided in subsection (C), the Secretary shall be solely responsible for obtaining and contracting with qualified marketing agents and shall be authorized to pay qualified marketing agents from funds from the sale of royalty oil and royalty gas without further appropriation.

(G) Each contract shall—

(i) require the qualified marketing agent to dispose of and sell royalty oil and royalty gas in an open, nondiscriminatory, and competitive manner.

(ii) prohibit the qualified marketing agent from precluding any person from competing for the handling, gathering, transporting, marketing, processing, or purchasing of royalty oil and royalty gas solely by reason of the person being a lessee or person affiliated with a lessee, qualified marketing agent, gatherer, royalty payor, transporter, processor, or purchaser.

8. (a) To further the purposes of this Act the Secretary shall be provided the greatest latitude in contracting with qualified marketing agents to market and dispose of royalty oil or royalty gas, contracts with qualified marketing agents under this Act shall be exempt from all applicable competitive bidding, procurement and property disposition laws, including but not limited to the Armed Services Procurement Act of 1947, 10 U.S.C. 2304, et seq., or the Federal Property Administration Service Act, 41 U.S.C. 253, et seq., or their implementing regulations.

9. (a) TRANSPORTATION COST.—Each contract with transporters, purchasers, and marketing agents shall separately contain standards:

(i) require the qualified marketing agent to bear the costs of any transportation of royalty oil and royalty gas without further appropriation as specified by this Act in conjunction with other regulations or other section of the royalty oil and royalty gas by the qualified marketing agent.

(ii) prohibit the qualified marketing agent under paragraph (3) shall—

(A) have the right to process royalty oil and royalty gas, after receipt at the delivery point, from the lessee to the extent required by applicable law.

(B) be subject to the rights, responsibilities, and obligations of the United States regarding the terms and conditions of sales to purchasers, including those set forth in section (a) and in no event shall regulations be applicable to a State which do not apply in substance to the United States.

(C) be authorized to enter into sales contracts on behalf of the United States.

(D) exercise such rights in accordance with the conditions established by this Act governing royalty in kind; and

(E) be subject to the rights, responsibilities, and obligations of the United States regarding the terms and conditions of sales to purchasers including those set forth in section (a) and in no event shall regulations be applicable to a State which do not apply in substance to the United States.

(F) Except as otherwise provided in section 6. If the United States fails to take in kind the entire royalty share tendered by the lessee after tendering it in accordance with paragraph (1), the lessee shall be liable for any costs or liability downstream of the delivery point associated with the royalty oil or royalty gas.

(G) KEEPING RECORDS—With respect to royalty oil and royalty gas taken in kind by the United States, a lessee shall not be subject to the reporting and RECORD KEEPING requirements of the Federal Oil and Gas Royalty Management Act (30 U.S.C. 1701 et seq.) or other applicable laws for any lease, other than records or reports necessary to verify the quantity of royalty oil or royalty gas produced from a lease premises.

8. (b) RIGHTS, OBLIGATIONS, AND RESPONSIBILITIES OF QUALIFIED MARKETING AGENTS.—

1. (1) IN GENERAL.—In accordance with the terms of its contract with the United States, a qualified marketing agent shall—

(A) advise and consult with the United States regarding the terms and conditions of sales to purchasers;

(B) arrange for the receipt, handling, transporting, delivery, marketing, processing, disposition, brokering and sale of royalty oil and royalty gas; and

(C) make such an election from time to time in accordance with paragraph (4).

(2) COMPLIANCE WITH REQUIREMENTS.—A State that elects to act under this section shall—

(A) exercise such rights in accordance with the requirements established by this Act governing royalty in kind; and

(B) be subject to the rights, responsibilities, and obligations of the United States regarding the terms and conditions of sales to purchasers, including those set forth in section (a) and in no event shall regulations be applicable to a State which do not apply in substance to the United States.

(3) NOTICE; EFFECTIVE PERIOD OF ELECTION.—A State may, at any time, upon giving the Secretary 90 days notice, elect to market the United States at the delivery point for the recovery and sale of valuable oil and gas to an affiliate, a qualified marketing agent under paragraph (3) shall—

(A) have the right to process royalty oil and royalty gas, after receipt at the delivery point, from the lessee to the extent required by applicable law.

(B) be subject to the rights, responsibilities, and obligations of the United States regarding the terms and conditions of sales to purchasers, including those set forth in section (a) and in no event shall regulations be applicable to a State which do not apply in substance to the United States.

(C) be authorized to enter into sales contracts on behalf of the United States.

(4) MOVEMENT OF ROYALTY OIL AND ROYALTY GAS.—A qualified marketing agent shall be entitled to process its own costs and necessary to move royalty oil and royalty gas downstream of the applicable delivery point, and shall be authorized to enter into transportation and processing contracts on behalf of the United States.

(5) REQUIREMENT TO TAKE.—A qualified marketing agent shall be required to take 100 percent of the royalty share tendered by the lessee from each lease premises on a daily basis.

(6) ENHANCEMENT OF REVENUES TO UNITED STATES.—In handling, marketing, and disposing of royalty oil and royalty gas, a qualified marketing agent shall utilize its experience and expertise to seek opportunities to enhance revenues to the United States, including opportunities for the sale of royalty oil and royalty gas at or above the market price, where facts and circumstances relevant to receiving, handling, transporting, delivering, marketing, processing, disposition, brokering, and sale of royalty oil and royalty gas.

(7) AFFILIATE TRANSACTIONS.—Qualified marketing agent sales to itself or an affiliate shall be made in accordance with the following standards:

(A) When selling royalty oil and royalty gas to an affiliate, a qualified marketing agent shall be required to bear the costs of any transportation of royalty oil and royalty gas without further appropriation as specified by this Act in conjunction with other regulations or other section of the royalty oil and royalty gas by the qualified marketing agent.
COSTS OF TRANSPORTING Royalty Oil and Royalty Gas.—

(b) (a) MERCHANTABILITY CONDITION.—The lessee shall bear the costs of placing royalty oil and royalty gas in merchantable condition at the delivery point, if not produced in such condition at the well: Provided, however, That gathering and transportation under this Act shall be governed solely by the definitions and provisions in this Act relating to transportation. The movement of unseparated, unidentifiable lease production to a point not on or immediately adjacent to the lease premises, unit or communitized area and the movement of separated, identifiable lease production regardless of whether such movement is through the lease premises, unit or communitized area shall be considered transportation. Transportation costs shall be governed solely by the definitions and provisions in this Act relating to transportation and responsibility for the payment of such costs shall not be dependent upon whether the royalty oil and royalty gas is in merchantable condition at the time of transportation.

(c) LIMITATION ON LESSEE’S RESPONSIBILITY FOR COSTS.—With respect to all royalty oil and royalty gas held or produced in kind by the United States, the lessee shall bear no costs other than those specifically identified in this section. After the royalty share is taken in kind, the United States shall dispose of and market its royalty oil and royalty gas and the lessee shall have no obligation to dispose of or market the United States royalty share of property.

(d) REIMBURSEMENT OF COSTS.—In hearing the cost of transporting royalty oil and royalty gas, the United States shall reimburse the lessee or its affiliate for costs that are not further appropriation in accordance with the provisions of subsection (b) of this section and section 5.

SEC. 6 TRANSPORTER CHARGES.

(a) DETERMINATION.—The lessee or its affiliate shall determine and calculate, where applicable, the transportation charges governed by this Act in accordance with subsection (b) and (c).

(b) REIMBURSEMENT FOR TRANSPORTATION COSTS.—The lessee shall be entitled to be reimbursed for costs incurred for transportation of royalty oil and royalty gas to and beyond the delivery point.

(c) TRANSPORTATION COSTS BEYOND THE DELIVERY POINT.—

(1) In general.—Charges by the lessee or its affiliate for transportation of royalty oil and royalty gas beyond the delivery point transported through a regulated pipeline or facility before the delivery point shall be—

(A) for nonaffiliated transactions, the actual rate paid under the tariff by the lessee, or

(B) for affiliated transactions, the lower of the tariff rate or the actual rate paid under the tariff.

(2) TRANSPORT BY SHIPMENT-BY-SHIPMENT TARIFF JURISDICTION PIPELINE OR FACILITY.—Reimbursement to a lessee for transportation costs incurred to transport royalty oil through a pipeline or facility for which jurisdiction for purposes of a tariff is determined by subparagraph (A) of this paragraph shall be the tariff rate for all shipments by the lessee through the same pipeline or facility if there is a shipment through the pipeline or facility to which the tariff applies.

(3) TRANSPORT BY UNREGULATED PIPELINE OR FACILITY.—(A) Reimbursement to a lessee for transportation costs incurred to transport royalty oil or royalty gas through an unregulated pipeline or facility before the delivery point shall be—

(i) for nonaffiliated transactions, the actual costs incurred by the lessee; or

(ii) for affiliated transactions—

(I) if third party oil or gas is being transported through the pipeline or facility, the weighted average (by volume) third party charge; or

(II) if no third party oil or gas is being transported through the pipeline or facility, the lessee, or its affiliate, shall determine and calculate, where applicable, the cost of transporting through the same pipeline or facility if there is a shipment through the pipeline or facility to which the tariff applies.

B. (B) The managing employee of the qualified marketing agent shall notify the lessee of its receipt of the arbitration finding a different transportation reimbursement rate and evidence to support such rate as it sees fit.

SECTION 7. RESTRICTION ON DISCLOSURE.—The United States shall not disclose the transportation services provided by a lessee or its affiliate or any fee or expense paid in connection with the lease. Such decision shall be final and binding on the United States, the qualified marketing agent on behalf of the lessee or its affiliate, and shall be enforceable in any court having jurisdiction.

SEC. 8. RESERVATION.—Each party shall bear its expenses of prosecuting its own case in arbitration, and the parties shall share equally any other expenses of the arbitration, including compensation for the third arbitrator at a rate that is fair and reasonable to the United States.

SEC. 9. USE OF EMPLOYEE OF PARTY AS ARBITRATOR.—(A) Any arbitrator named by the parties may be permanent or temporary officer or employee of the Federal or State Government, or an employee of any party to the dispute, but all parties agree that the person may serve.

(B) In implementing this paragraph, the qualified marketing agent on behalf of the lessee or its affiliate or any officer or employee of other agencies to serve as arbitrators to be named by the qualified
shall be made with interest at the average short-term rate as specified in section 6621 of the Internal Revenue Code of 1986.

SEC. 6. IMBALANCES.

(a) REQUIREMENT TO RESOLVE IMBALANCES.—

(1) IN GENERAL.—If the amount of royalty oil or royalty gas production taken by the United States from a lease premises during a calendar month differs from the amount of royalty oil or royalty gas production attributable to such premises for that calendar month, and the difference results from the circumstances described in paragraph (2), the difference in this section refers to a “royalty share imbalance” which shall be remedied in accordance with this section.

(2) CIRCUMSTANCES.—The circumstances referred to in paragraph (1) are the following:—

(A) A failure by the lessee or the United States to receive royalty oil or royalty gas tendered for a one-time occurrence of not more than 3 consecutive days in any calendar quarter;

(B) A failure by the United States or its qualified marketing agent to receive, transport, and market its royalty oil or royalty gas tendered for a one-time occurrence of not more than 3 consecutive days in any calendar month; or

(C) A difference between the amount made available by the United States at the delivery point that prevents the United States transporter from receiving royalty oil or royalty gas;

(b) REPORTS.—

(1) MAINTENANCE OF INFORMATION.—Each lease operator shall maintain information on the quantity of royalty oil and royalty gas produced attributable to each lease premises and the amount of royalty oil or royalty gas production taken by the United States from each lease premises. The information shall include—

(A) the quantities of royalty oil and royalty gas taken in kind by the United States at the delivery point;

(B) the quantities of royalty oil and royalty gas produced as are required under this Act to the United States; and

(C) the current month and cumulative royalty share imbalances.

(2) REPORT.—(A) Each lease operator shall—

(i) submit a royalty share imbalance report to the qualified marketing agent, for the United States with respect to the lease no later than 60 days after the expiration of each month of production from the lease; and

(ii) provide the report to the Secretary of the Treasury for the report is not available by such date, file or cause to be filed with the qualified marketing agent a report that contains estimated quantities, and the report shall show the lease quantities no later than 60 days after information on all actual quantities is received.

(B) The royalty share imbalance report submitted under subparagraph (A) to the qualified marketing agent shall constitute formal notice of a royalty share imbalance, which shall be remedied in accordance with subsection (c).

(c) MANAGING IMBALANCES.—

(1) IN GENERAL.—If a royalty share imbalance occurs during any calendar month, the lease operator shall work with the United States (through its qualified marketing agent) to settle the royalty share imbalance in a manner consistent with the existing production balancing agreements or practices among operating rights owners.

(2) ROYALTY GAS IMBALANCE.—(A) In the case of a royalty share imbalance with respect to royalty oil, and in the absence of multiple operating rights owners, additional quantities of royalty oil may be taken by either a lessee or the United States through its qualified marketing agent to expeditiously settle such royalty share imbalance as soon as is reasonably practicable, as determined by the lease operator.

(3) ROYALTY GAS IMBALANCE.—(A) In the case of a royalty share imbalance with respect to royalty gas and in the absence of multiple operating rights owners, the lease operator shall work with the United States (through its qualified marketing agent) to settle the royalty share imbalance in a manner consistent with the existing production balancing agreements or practices among operating rights owners.

(B) Additional quantities taken in a month by either a lessee or the United States to reduce a royalty share imbalance with respect to royalty gas shall not exceed 25 percent of that month’s royalty gas.

(C) Until final settlement pursuant to subsection (d), royalty share imbalances with respect to royalty gas shall be reduced chronologically in the order in which they were created.

(d) FINAL IMBALANCE REPORT AND FINAL SETTLEMENT.—

(1) FINAL IMBALANCE REPORT.—Upon permanent cessation of production from a lease, the lease operator shall file a final imbalance report that—

(A) contains the information described in subsection (b); and

(B) states that the lease premises has permanently ceased production and that a royalty share imbalance exists.

(2) FINAL SETTLEMENT.—The parties to a royalty share imbalance shall settle such royalty share imbalance using the same final settlement procedures as set forth in the existing production balancing agreement between the operating rights owners, if any. In the absence of such an agreement, within 60 days of the final imbalance report, each party that received excess quantities shall, at its option, make delivery of the excess quantities at a mutually agreed-upon price, to the parties who received insufficient quantities.

The cash payment shall be based on the net proceeds (in terms of actual revenue received) from the sale of such excess quantities for value at the lease premises or the lessee may make delivery of the imbalance volume. No interest shall accrue, prior to the date of any settlement, on any imbalance.

SEC. 7. ROYALTY-IN-KIND FOR TRUCKED, TANKERED, OR BARGED OIL OR GAS.

(a) APPLICATION.—This section shall apply to royalty oil or royalty gas produced and transported from onshore or offshore lease premises which have no pipeline connection to the well such that the royalty oil and royalty gas is transported by truck, tanker, or barge, from the lease premises.

(b) SELECTION OF TRANSPORTER.—(1) IN GENERAL.—To further the efficient and cost-effective taking of royalty oil or royalty gas in kind from such lease premises, the qualified marketing agent shall select the transporter that will transport the royalty oil or royalty gas for a lessee from the lease premises, or for the operator of the lease premises.

(2) EXCEPTION.—Royalty oil or royalty gas taken in kind may be transported in any other manner agreed to by the qualified marketing agent and the lessee or lease operator.

(c) RELATIONSHIP TO OTHER LAWS.—

(1) LAWS REGARDING OIL OR GAS TRANSPORTATION.—This section shall not alter or amend any State or Federal law regulating the transportation of oil or gas by truck, tanker, or barge.

(2) FEDERAL ROYALTY PREPAYMENT PROVISIONS.—Nothing in this Act shall modify, abridge, or alter the provisions of section 7(b) of the Federal Oil and Gas Royalty Simplification and Fairness Act (30 U.S.C. 1726) with respect to the prepayment of royalty.
SEC. 11. LEASE TERMS NOT AFFECTED.

In accordance with the terms of oil and gas leases issued by the Secretary, the Secretary shall exercise the right to be paid oil and gas royalties pursuant to the terms of the lease and the lessee shall pay such oil and gas royalties in amount pursuant to provisions of this Act. Nothing in this Act shall alter or abridge the right of a lessor under an oil and gas lease to assign, partition, or sublease, including the right to explore for, operate, drill for, or produce oil or gas and to otherwise operate the lease. The rights, duties, or obligations that exist between the United States and a lessee which arise under an oil and gas lease with respect to oil or gas used on, or for the benefit of, a lease premises at a facility handling production from more than one lease premise, or at a facility handling unitized or commingled production, the proportionate share of each lease’s production (actual or communitized production, the proportionate production from more than one lease effectuated, abridged, or altered by this Act. When oil is used on, or for the benefit of, a lease premises at a facility handling production from more than one lease premise, or at a facility handling unitized or commingled production, the proportionate share of each lease’s production (actual or communitized production, the proportionate production from more than one lease

SEC. 12. ELIGIBLE AND SMALL REFINERS.

(a) SALE OF ROYALTY OIL TO ELIGIBLE SMALL REFINERS.—(1) The Secretary shall direct or authorize agents to offer for sale to eligible small refiners the eligible small refiner portion in accordance with the provisions of this section.

(2) The sale of royalty oil from the eligible small refiner portion to an eligible small refiner is intended for processing, or trading for equivalent barrels for processing, in the eligible small refiner’s refineries located in the United States and not for resale in-kind or value.

(b) The Secretary shall annually review and recertify or withdraw the continuing eligibility of previously certified eligible small refiners.

(c) The eligible small refiner portion shall be offered to eligible small refiners from royalty oil volumes to be sold by each qualified marketing agent. The Secretary shall maintain a current list of all eligible Small Refiners. Upon the selection of a Qualified Marketing Agent by the Secretary, the Secretary shall promptly notify all Eligible Small Refiners of the selection of the Qualified Marketing Agent. The notification shall contain the name and address of the Qualified Marketing Agent as well as a brief description of leases and lease products to be marketed by that Qualified Marketing Agent. Within 15 days after notice by the Secretary, any Eligible Small Refiner who is receiving Royalty Oil from the leases of the Qualified Marketing Agent, shall submit a Notice of Interest to the Qualified Marketing Agent. The Notice shall generally state the volumes location and quality of Royalty Oil desired by the Small Refiner. When marketing Royalty Oil, the Qualified Marketing Agent shall contact the Small Refiner who has submitted a Note of Interest and shall offer to sell the 40% portion to the Small Refiner(s) who submitted a Notice. The Small Refiner shall purchase such Royalty Oil at the weighted average price for the remaining volumes of like quality at the same location sold by the Qualified Marketing Agent.

Nothing in this section shall preclude any eligible small refiner from participating in any open and advertised or negotiated sale by qualified marketing agents. Royalty Oil volumes available to any eligible small refiners in any open and advertised or negotiated sale shall not be included in calculating limitations on eligibility as defined in subsection (a).

(b) LIMITATIONS ON ELIGIBILITY.—No eligible small refiner may purchase royalty oil from the eligible small refiner portion for delivery at a rate that exceeds 60 percent of the combined crude oil and condensate distillation capacity of that eligible small refiner’s currently operating refineries located in the United States unless the Secretary determines that it is in the public interest to allow all eligible small refiners to purchase crude oil at their expected rate. The Secretary shall promulgate rules and regulations to determine an eligible small refiner’s current operating capacity.

(c) FINAL DETERMINATION, AND SURVIVABILITY REQUIREMENTS.—(1) The purchase of royalty oil from the eligible small refiner portion pursuant to this subsection shall not be subject to any fees, taxes, or surcharges.

(2) The Secretary shall establish conditions for each eligible small refiner’s creditworthiness at the time of determining and reviewing eligibility.

(d) Creditworthiness requirements for eligible small refiners shall not exceed standard industry requirements governing non-Federal crude oil purchasers, and the Secretary may not require excess in value of 60 days anticipated deliveries of royalty oil from the eligible small refiner portion to individual eligible small refiners.

(e) ELIGIBLE SMALL REFINER ADVISORY PANEL.—(1) The Secretary may promulgate an eligible small refiner advisory panel to assist in developing policies and procedures to implement the provisions of this Act. The eligible small refiner advisory panel shall be comprised of representatives from 3 small refiners, 3 qualified marketing agents and 3 lessees who have participated in the small refiner program established pursuant to section 36 of the Mineral leasing Act (30 U.S.C. 192) or section 1353 of the Outer Continental Shelf Lands Act (43 U.S.C. 1333).

(2) Pursuant to the recommendations of the Small Refiner’s Advisory Group, the Secretary shall develop and implement procedures to ensure a fair and equitable opportunity for interested eligible small refiners to purchase royalty oil from the eligible small refiner portion.

(f) REPORTS ON RIK.—The Secretary may require any eligible small refiner to submit a report demonstrating the eligible small refiner’s compliance with subsection (a)(2).

(g) REPEAL OF EXISTING ROYALTY-IN-KIND REQUIREMENTS.—Section 36 of the Mineral Leasing Act (30 U.S.C. 192) and section 1353 of the Outer Continental Shelf Lands Act (43 U.S.C. 1333) are repealed.

SEC. 13. APPLICABLE LAWS.

(a) MOVEMENT, DISPOSITION, AND SALE OF ROYALTY OIL AND ROYALTY GAS.—In arranging for the movement, disposition and sale of royalty oil and royalty gas, the United States and its qualified marketing agents shall be subject to all laws that apply to the movement, disposition, and sale of oil and gas.

(b) NO ADDITIONAL PRIORITY OF SERVICE OR MOVEMENT.—In any pipeline, truck, barge, railroad, or other transportation of oil, or otherwise, the royalty oil and royalty gas shall not be afforded a priority of service or movement, nor assigned a capacity right which is superior to that identified in—

(1) the contract for carriage of royalty oil and royalty gas entered into by the transporter with the United States or the qualified marketing agent,

(2) the tariff applicable to such carrier, if any.

(c) MEANING OF TERMS USED.—The meaning of the terms used in this Act shall be supplemented by reference to generally accepted accounting principles and prevailing industry practices.

(d) LAWS APPLICABLE TO STRIPPER OR MARGINAL PRODUCTION NOT AFFECTED.—Nothing in this Act shall modify, abridge or alter the provisions of the Deep Water Royalty Relief Act of 1995 (43 U.S.C. 1337), or any other Federal law applicable to stripper or marginal production.

SEC. 14. INDIAN LANDS.

This Act shall not apply with respect to Indian lands.

SEC. 15. EFFECTIVE DATE; REGULATIONS.

(a) IN GENERAL.—Except as provided in subsection (b) of this Act, the provisions of this Act shall become no later than effective 18 months after the date of enactment of this Act, and shall apply with respect to the production of oil and gas on or after the first day of the month following the effective date of this Act.

(b) REGULATIONS.—The Secretary shall issue all regulations required for implementation of this Act within one year after the date of enactment of this Act.

Mr. DOMENICI. Mr. President, the current royalty system is an elaborate after-the-fact game of “Gotch ya.”

Producers are put in the unenviable position of being second-guessed, some times years later, by the Minerals Management Service (MMS). This current system is unfair to oil and gas producers. It is expensive and inefficient for the federal government.

Under the current system, only the lawyers benefit. It results in a lot of law suits and big legal bills.

The MMS tried to fix the system by proposing a “producer is always the loser rule.”

Under the proposed rules, (now abandoned) the producers would have always lost. The MMS tried a rule tying the fair market value to the NYMEX. If producers sold their production for less than the NYMEX price, they would have had to pay the royalty on the “phantom” income i.e. the difference between the price they actually received and the NYMEX price. If, on the other hand, they sold their production for more than the NYMEX, they would have had to pay the royalty on the amount they actually received. This would have been a very unsatisfactory approach.

Fortunately, most independent producers don’t have to use that approach. However, the existing valuation formula for calculating fair market value is complicated, fraught with exceptions, and hard to administer.

The question: What is fair market value for oil is not as simple as it sounds.

Some of the variable factors include the quality or refinery value of crude oil; the transportation costs necessary to move that oil to a refinery; relative access to various refineries or markets which may value a particular type of crude oil differently; the supply, vis-a-vis, the demand for certain types of oil or alternative supplies, and whether the contract is a long-term or short-term commitment made by either the refiner or the producer.

Other factors that influence value include the volume of the crude oil produced at the lease. This could affect the unit logistical costs; seasonality; and service requirements of the producer.
Another question more complicated than it sounds is this: What are the appropriate, allowable, deductible expenses?

Under the current system it costs the MMS about $80 million annually to debate this question and to administer our royalty collection program. It takes several hundred employees, many of them auditors, to oversee the current royalty program. In contrast, royalty-in-kind programs in Canada need only 33 employees to administer their program.

With a royalty-in-kind system, the producer would give some of its production from the federal lands as a royalty-in-kind payment. A royalty-in-kind program is an accurate way to determine a fair market value. The federal government would sell its share of the oil on an open and competitive market. What you can sell it for is, per se, fair market value. That is the essence of what the “Royalty-in-Kind” Program, along with the use of the Qualified Marketing Agents (“QMA”), would allow.

The goal should be treating the producers fairly, maximizing revenues for the federal government, and distributing an accurate amount of royalties to the states.

The bill being introduced today by Senator Nickles, Murkowski, Hutchinson and I would provide a better way for the federal government and the Mineral Management Service (MMS) to collect, with certainly, a fair value for its crude oil.

PROVISIONS OF THE BILL

The federal government would take its royalty “in kind” at the applicable delivery point for each federal onshore and offshore lease.

Title of the royalty share taken in-kind would be in the name of the federal government.

The U.S. would contract with qualified marketing agents (QMAs).

The federal government would select a QMA for each lease on a competitive bid basis.

States entitled to revenues under the net receipts sharing provisions of the Mineral Leasing Act or Section 8(g) of the Outer Continental Shelf Lands Act would be allowed to elect to select the QMA.

In selecting a QMA, the State would act for the mutual benefit of the State and the federal government. The payment from the federal government to any State for its share of royalty taken in-kind from federal leases within a State’s boundary would not be subject to cost deductions under the net receipts sharing provisions of the applicable statutes.

The lessee must tender the royalty share at the delivery point. This would completely satisfy the lessee’s royalty obligation.

The lessee would bear the costs of place royalty oil and royalty gas in a merchantable condition at the delivery point. The lessee would be responsible for gathering costs. Transportation costs would be borne by the federal government.

Mr. President, this is an excellent approach. My only concern is that the final legislative product adequately address the problem of the marginal well that produces a few barrels a day and is inadequately taxed. The legislation needs to make sure that there is a workable mechanism for these isolated wells.

I also note that some, including the New Mexico state lands commissioner, has raised a few legitimate concerns prior to moving to the nationwide royalty-in-kind program. I respect those views.

I hope, that as we move through the hearing process the Committee can take testimony on whether to proceed with a multi-state pilot program or whether existing pilots have provided sufficient information for us to implement a national program.

I want to recognize Senator Nickles for his leadership on this issue and look forward to working with him, Senator Murkowski and Senator Hutchison on moving this legislation through the process so that we can start a royalty-in-kind program in the near future.

ADDITIONAL COSPONSORS

At the request of Mr. Lieberman, the name of the Senator from New Mexico (Mr. Domenici) was added as a cosponsor of S. 364, a bill to provide legal standards and procedures for suppliers of raw materials and component parts for medical devices.

At the request of Mr. Bingaman, the name of the Senator from Rhode Island (Mr. Reed) was added as a cosponsor of S. 597, a bill to amend title XVIII of the Social Security Act to provide for coverage under part B of the Medicare program of medical nutrition therapy services furnished by registered dietitians and nutrition professionals.

At the request of Mr. Breaux, the name of the Senator from Louisiana (Mr. Landrieu) was added as a cosponsor of S. 1873, a bill to state the policy of the United States Code, to establish a demonstration project to evaluate the feasibility of using the Federal Employees Health Benefits program to ensure the availability of adequate health care for Medicare-eligible beneficiaries under the military health care system.

At the request of Mrs. Murray, her name was added as a cosponsor of S. 1406, a bill to amend section 2301 of title 38, United States Code, to provide for the furnishing of burial flags on behalf of certain deceased members and former members of the Select Reserve.

At the request of Mr. Dorgan, the name of the Senator from Wyoming (Mr. Thomas) was added as a cosponsor of S. 1680, a bill to amend title XVIII of the Social Security Act to clarify that licensed pharmacists are not subject to the surety bonding requirements under the medicare program.

At the request of Mr. Nickles, the name of the Senator from Alabama (Mr. Sessions) was added as a cosponsor of S. 1688, a bill to express United States foreign policy with respect to, and to strengthen United States advocacy on behalf of, individuals persecuted for their faith worldwide; to authorize United States actions in response to religious persecution worldwide; to establish an Ambassador at Large on International Religious Freedom within the Department of State, a Commission on International Religious Persecution, and a Special Adviser on International Religious Freedom within the National Security Council; and for other purposes.

At the request of Mr. Cochran, the name of the Senator from Texas (Mr. Gramm) was added as a cosponsor of S. 1873, a bill to state the policy of the
United States regarding the deployment of a missile defense system capable of defending the territory of the United States against limited ballistic missile attack.

At the request of Mr. Jeffords, the name of the Senator from Maine (Ms. Collins) was added as a cosponsor of S. 1882, a bill to reauthorize the Higher Education Act of 1965, and for other purposes.

At the request of Mr. D’Amato, the name of the Senator from Colorado (Mr. Allard) was added as a cosponsor of S. 1900, a bill to establish a commission to examine issues pertaining to the disposition of Holocaust-era assets in the United States before, during, and after World War II, and to make recommendations to the President on further action, and for other purposes.

At the request of Mr. Thomas, the names of the Senator from Minnesota (Mr. Grams), the Senator from Alaska (Mr. Murkowski), the Senator from New Hampshire (Mr. Smith), and the Senator from Virginia (Mr. Warner) were added as cosponsors of S. 1901, a bill to prohibit the return of veterans memorials objects to foreign nations without specific authorization in law.

At the request of Mr. Hutchinson, the name of the Senator from Arizona (Mr. McCain) was added as a cosponsor of Senate Concurrent Resolution 50, a concurrent resolution condemning in the strongest possible terms the bombing in Jerusalem on September 4, 1997.

At the request of Mr. Sessions, the name of the Senator from Mississippi (Mr. Cochran) was added as a cosponsor of Senate Concurrent Resolution 77, a concurrent resolution expressing the sense of the Congress that the Federal government should acknowledge the importance of at-home parents and should not discriminate against families who forego a second income in order for a mother or father to be at home with their children.

At the request of Mr. Domenici, the names of the Senator from South Dakota (Mr. Johnson), the Senator from Vermont (Mr. Jeffords), the Senator from Missouri (Mr. Bond), and the Senator from Colorado (Mr. Harkin) were added as cosponsors of Senate Resolution 176, a resolution proclaiming the week of October 18 through October 24, 1998, as “National Character Counts Week.”

At the request of Mrs. Hutchison, the name of the Senator from Georgia (Mr. Coverdell) was added as a cosponsor of Senate Resolution 194, a resolution designating the week of April 20 through April 26, 1998, as “National Kick Drugs Out of America Week.”

At the request of Mrs. Boxer the names of the Senator from Maryland (Mr. Sarbanes), the Senator from Washington (Mrs. Murray), the Senator from South Dakota (Mr. Johnson), the Senator from Massachusetts (Mr. Kennedy), the Senator from New Mexico (Mr. Bingaman), and the Senator from Louisiana (Ms. Landrieu) were added as cosponsors of amendment No. 2176 proposed to S.Con.Res. 86, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal years 1999, 2000, 2001, 2002, and 2003 and revising the concurrent resolution on the budget for fiscal year 1998.

At the request of Mr. Frist the name of the Senator from Illinois (Ms. Moorelly-Braun) was added as a cosponsor of amendment No. 2189 intended to be proposed to S.Con.Res. 86, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal years 1999, 2000, 2001, 2002, and 2003 and revising the concurrent resolution on the budget for fiscal year 1998.

At the request of Mr. Johnson his name was added as a cosponsor of amendment No. 2205 proposed to S.Con.Res. 86, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal years 1999, 2000, 2001, 2002, and 2003 and revising the concurrent resolution on the budget for fiscal year 1998.

At the request of Mrs. Hutchison the names of the Senator from Minnesota (Mr. Grams) and the Senator from Arizona (Mr. Kyl) were added as cosponsors of amendment No. 2208 proposed to S.Con.Res. 86, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal years 1999, 2000, 2001, 2002, and 2003 and revising the concurrent resolution on the budget for fiscal year 1998.

At the request of Mr. Kyl the names of the Senator from Nevada (Mr. Reid), and the Senator from Illinois (Ms. Moseley-Braun) were added as cosponsors of amendment No. 2215 proposed to S.Con.Res. 86, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal years 1999, 2000, 2001, 2002, and 2003 and revising the concurrent resolution on the budget for fiscal year 1998.

At the request of Mr. Kyl the names of the Senator from New York (Mr. D’Amato), and the Senator from Pennsylvania (Mr. Santorum) were added as cosponsors of amendment No. 2221 proposed to S.Con.Res. 86, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal years 1999, 2000, 2001, 2002, and 2003 and revising the concurrent resolution on the budget for fiscal year 1998.

At the request of Mrs. Feinsteins the names of the Senator from California (Mrs. Boxer) and the Senator from New Mexico (Mr. Bingaman) were added as cosponsors of amendment No. 2229 proposed to S.Con.Res. 86, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal years 1999, 2000, 2001, 2002, and 2003 and revising the concurrent resolution on the budget for fiscal year 1998.

At the request of Mr. Lautenberg the names of the Senator from New York (Mr. Moynihan), the Senator from Vermont (Mr. Jeffords), the Senator from Rhode Island (Mr. Chafee), the Senator from Massachusetts (Mr. Kerry), the Senator from Illinois (Ms. Moseley-Braun), the Senator from Connecticut (Mr. Lieberman), the Senator from Illinois (Mr. Durbin), the Senator from Maryland (Ms. Mikulski), the Senator from Connecticut (Mr. Dodd), the Senator from Montana (Mr. Baucus), the Senator from Vermont (Mr. Leahy), and the Senator from Texas (Mrs. Hutchison) were added as cosponsors of amendment No. 2243 proposed to S.Con.Res. 86, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal years 1999, 2000, 2001, 2002, and 2003 and revising the concurrent resolution on the budget for fiscal year 1998.

At the request of Mr. Lautenberg his name was added as a cosponsor of amendment No. 2246 proposed to S.Con.Res. 86, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal years 1999, 2000, 2001, 2002, and 2003 and revising the concurrent resolution on the budget for fiscal year 1998.

At the request of Mrs. Stevens the names of the Senator from West Virginia (Mr. Byrd), the Senator from South Dakota (Mr. Daschle), the Senator from Michigan (Mr. Levin), and...
At the request of Mr. Frist the name of the Senator from Illinois (Ms. MOSELEY-BRAUN) was added as a cosponsor of amendment No. 2265 proposed to S.Con.Res. 86, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal years 1999, 2000, 2001, 2002, and 2003 and revising the concurrent resolution on the budget for fiscal year 1998.

AMENDMENT NO. 2263
At the request of Mr. Santorum the names of the Senator from California (Mrs. BOXER), the Senator from Ohio (Mr. DEWINE), the Senator from New Jersey (Mr. TORRICELLI), and the Senator from Kentucky (Mr. JENKINSON) were added as cosponsors of amendment No. 2263 proposed to S.Con.Res. 86, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal years 1999, 2000, 2001, 2002, and 2003 and revising the concurrent resolution on the budget for fiscal year 1998.

At the request of Mr. Leahy his name was added as a cosponsor of amendment No. 2263 proposed to S.Con.Res. 86, supra.

AMENDMENT NO. 2265
At the request of Mr. Grassley the names of the Senator from Iowa (Mr. HATCH) and the Senator from New Jersey (Mr. TORRICELLI) were added as cosponsors of amendment No. 2265 proposed to S.Con.Res. 86, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal years 1999, 2000, 2001, 2002, and 2003 and revising the concurrent resolution on the budget for fiscal year 1998.

At the request of Mr. Byrd his name was added as a cosponsor of amendment No. 2265 proposed to S.Con.Res. 86, supra.

AMENDMENT NO. 2266
At the request of Mr. Coverdell the names of the Senator from Iowa (Mr. GRASSLEY) and the Senator from New Jersey (Mr. BLUMENTHAL) were added as cosponsors of amendment No. 2266 proposed to S.Con.Res. 86, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal years 1999, 2000, 2001, 2002, and 2003 and revising the concurrent resolution on the budget for fiscal year 1998.

At the request of Mr. D’Amato the names of the Senator from Ohio (Mr. DOLE), the Senator from California (Ms. BOXER), the Senator from North Dakota (Mr. Dorgan), and the Senator from Iowa (Mr. GRASSLEY) were added as cosponsors of amendment No. 2265 proposed to S.Con.Res. 86, supra.

At the request of Mr. Frist his name was added as a cosponsor of amendment No. 2265 proposed to S.Con.Res. 86, supra.

AMENDMENT NO. 2268
At the request of Mr. Gramm the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of amendment No. 2268 proposed to S.Con.Res. 86, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal years 1999, 2000, 2001, 2002, and 2003 and revising the concurrent resolution on the budget for fiscal year 1998.

At the request of Mr. Byrd his name was added as a cosponsor of amendment No. 2268 proposed to S.Con.Res. 86, supra.

SENATE CONCURRENT RESOLUTION 88—CALLING ON JAPAN TO ESTABLISH AND MAINTAIN AN OPEN, COMPETITIVE MARKET FOR CONSUMER PHOTOGRAPHIC FILM AND PAPER

Mr. D’AMATO (for himself, Mr. MOYNIHAN, Mr. ASHCROFT, and Mr. BINGHAMAN) submitted the following concurrent resolution; which was referred to the Committee on Finance:

S. Con. Res. 88

Whereas the current financial crisis in Asia underscores the fact that the health of the international economic system depends on open, competitive markets;

Whereas structural reform in Japan is critical to the resolution of the Asian financial crisis;

Whereas for many years the United States Trade Representative has reported to Congress in the National Trade Estimate on numerous barriers to entering and operating in the Japanese market;

Whereas its publicly stated commitments to open its markets for photographic film and paper, and other sectors facing market access barriers. The bureaucrats in Japan should be on notice that the United States Congress will not tolerate their intervention into the free market.

Whereas the Government of Japan has consistently stated that it is committed to de-regulation, transparency, nondiscrimination, and open distribution systems accompanied by vigorous enforcement of competition laws;

Whereas the Government of Japan stated in recent proceedings of the World Trade Organization that it is committed to promote distribution policies that make the Japanese market more open to imports and to actively discourage restrictive business practices; and

Whereas fulfilling these public statements would benefit both United States trade and Japanese consumers, significantly raising the standard of living in Japan: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the Congress—

(1) urges the President, the United States Trade Representative, and other appropriate officials of the executive branch to exercise fully existing authority to achieve these objectives; and

(2) requests the President to report to Congress, not later than July 15, 1998, and not less frequently than every six months thereafter, regarding progress in eliminating market restrictions in Japan for consumer photographic film and paper; and

(3) urges the President, the United States Trade Representative, and other appropriate officials of the executive branch to exercise fully existing authority to achieve these objectives; and

(4) requests the President to report to Congress, not later than July 15, 1998, and not less frequently than every six months thereafter, regarding progress in eliminating market restrictions in Japan for consumer photographic film and paper; and

Mr. D’AMATO. Mr. President, the current financial crisis in Asia underscores the need for open, competitive markets, free of distortion. Clearly, industrial policy does not work. Managed trade and managed commerce is a failure. It simply does not work. Mr. President, we have said it all along—when you manipulate trade and erect barriers to open and free trade, the consumer gets hurt.

Mr. President, today we are submitting a resolution which is aimed at forcing Japan to put their money where their mouth is. This Resolution makes it clear that, with its publicly stated commitments to open its markets for photographic film and paper, and other sectors facing market access barriers. The bureaucrats in Japan should be on notice that the United States Congress will not tolerate their intervention into the free market.

The United States Congress has set up free and open markets in every sector of the economy. Americans should expect nothing less of any of our trading partners.

Plain and simple. Mr. President, the Japanese Government has allowed Fuji to use Japan’s lax anti-trust laws and...
closed-market system to erect barriers to free and open competition. The Japanese government, however, maintains that this is not true and that their markets are open and free. This Resolution will simply encourage the Japanese government to demonstrate their openness.

The Government of Japan has said publicly that they did not build, support, and tolerate a market structure that thwarts foreign competition, and in which exclusionary business practices are commonplace. This Resolution simply allows the Japanese government to demonstrate their resolve to open, free and fair trade.

Mr. MOYNIHAN. Mr. President, I wish to associate myself fully with the remarks of my distinguished colleague from New York. Kodak has compiled volumes of evidence, based on more than 100 years of experience in the Japanese market, that clearly document the thicket of laws and regulations that—through an elaborate system of restrictions on sales and distribution—Japan has succeeded in severely limiting market access for foreign film and paper. Through an elaborate system of restrictions on sales and distribution, Japan has succeeded in severely limiting market access for foreign film and paper. Nearly three years ago, on May 18, 1995, Kodak filed a petition with the U.S. Trade Representative under section 301 of the Trade Act of 1974, urging action on the broad range of trade barriers. After a formal investigation, Ambassador Barshefsky found that Japan’s practices were indeed in violation of our trade laws, and dispute settlement proceedings in the World Trade Organization were begun. The verdict on February 3, 1998, which will cosponsor today emphatically endorses Japan’s closed-market system to erect barriers to free and open trade. Without that guarantee, U.S. exports clearly are being denied the benefits they had expected from these agreements.

In the Kodak film case, the WTO found that the Japanese market is open to the Eastman Kodak Co., despite the fact that Japan’s system of trade barriers was designed as a "defensive measure for the substantial advances of Eastman Kodak after import liberalization" under the General Agreement on Tariffs and Trade (GATT). This decision flies in the face of the U.S. film industry.

Equally intolerable is the fact that this Japanese-style protectionism is being used to block an array of critical U.S. exports. Even though Japan has the second largest flat glass market in the world, the country has fully excluded foreign imports through an exclusive distribution system in violation of its 1995 Flat Glass Agreement with the United States. The U.S. also has a "market opening" agreement with the Japanese government on the Kodak film case. The Administration reported just recently that Japan has failed to keep the agreement’s "key objectives" and has reversed progress made last year under the accord.

I am deeply alarmed at the danger that the WTO’s misconceived ruling in this case will have. Japan now has a license from the WTO to shelter its domestic film and paper producers from competition. Under the WTO ruling, our Asian trading partners will be encouraged to follow in Japan’s protectionist footsteps by taking two steps back for every one step forward in trade liberalization. For instance, China recently announced reductions in its tariff levels from 23 to 17 percent, but China has been implementing an automobile industrial policy much like Japan’s to undercut the gains achieved from tariff reductions.

It is time to stand up and say, “No more!” No more will we ignore mercantilist trade policies that block U.S. products and destroy American jobs. No more will we allow foreign companies to use their illegitimate gains from their closed market to subsidize exports to our open market. No more will we allow foreign companies to compete unfairly in our market. No more, Mr. President.

As the world’s second largest economy, Japan must guarantee the same free and open access to its market that Japanese companies enjoy in the U.S. market. Without that guarantee, U.S. businesses are put at an immediate competitive disadvantage when entering the international arena.

Therefore, Senators D’AMATO, MOYNIHAN, BINGAMAN, and I rise today to submit a Sense of the Senate that the U.S. should use all available tools against Japan’s toleration of a system-
Resolved, That—

(1) the Senate recognizes—

(A) that June 3, 1998, commemorates the 50th anniversary of the blast on the mountain known as Thunderhead Mountain in the Black Hills of South Dakota that constituted the first step made toward the completion of the Crazy Horse Memorial;

(B) the admirable efforts of the late Korczak Ziolkowski, the sculptor responsible for the design and techniques involved in the creation of the Crazy Horse Memorial; and

(C) that the creation of the Crazy Horse Memorial, from its inception, has been accomplished through private donations and without any Federal funding; and

(2) it is the sense of the Senate that the Crazy Horse Memorial will constitute a tribute to—

(A) Ta sunke Witko, a great Oglala Sioux warrior and spiritual leader; and

(B) all Native Americans.

Mr. Campbell. Mr. President, Congress is beginning its annual process of writing a budget and appropriating funds. This important work gets a great deal of media coverage and public scrutiny. But I think we tend to get so caught up in this process that we forget some people in this country accomplish great things without a single dollar from Washington.

One shining example is the Crazy Horse Memorial. The Ziolkowski family has worked for 50 years carving the image of the Oglala Sioux leader and his horse out of Thunder Mountain in South Dakota, a mountain popularly known as “Thunderhead Mountain”.

Whereas on June 3, 1948, the Crazy Horse Memorial was dedicated, which is the date on which the first blast was made to shape the memorial on Thunderhead Mountain;

Whereas at the time of that dedication, Korczak Ziolkowski vowed that the Crazy Horse Memorial would be a nonprofit educational and cultural project that would be financed through private, nongovernmental sources;

Whereas Korczak Ziolkowski dedicated his life to the creation of the Crazy Horse Memorial and continued that work through his death on October 20, 1982; and

Whereas once complete, the Crazy Horse Memorial, with a height of 563 feet and length of 641 feet, will be the largest sculpture in the world: Now, therefore, be it

Resolved, That—

SENATE RESOLUTION 208—CONCERNING THE YEAR 2000 TECHNOLOGY PROBLEM

Mr. LOTT (for himself and Mr. DASCHELLE): submitted the following resolution; which was considered and agreed to.

S. RES. 208

Whereas the year 1998 marks the 20th anniversary of the founding of the Vietnam Veterans of America; and

Whereas the history of the Vietnam Veterans of America organization is a story of America’s gradual recognition of the tremendous sacrifices of its Vietnam-era veterans and their families; and

Whereas the Vietnam Veterans of America is dedicated to serving its membership through advocacy for its membership; and

Whereas the Vietnam Veterans of America provides public and member awareness of critical issues affecting Vietnam-era veterans and their families; and

Whereas the local grassroots efforts of Vietnam Veterans of America chapters like Chapter One in Rutland, Vermont, which was founded 18 years ago in April 1980, have greatly contributed to the quality of lives of veterans in our Nation’s communities; and

Whereas the Vietnam Veterans of America promotes its principles through volunteerism, professional advocacy, and claims work; and

Whereas the future of the Vietnam Veterans of America depends heavily on its past accomplishments, but on future accomplishments of its membership that will ensure the Vietnam Veterans of America remains a leader among veterans advocacy organizations: Now, therefore, be it

Resolved, That the Senate—

(1) commemorates the 20th anniversary of the founding of the Vietnam Veterans of America and commends it for its advancement of veterans rights which set the standard for other veterans organizations around the country;

(2) asks all Americans to join in the celebration of the 20th birthday of the Vietnam Veterans of America and 20 years of advocacy for Vietnam veterans; and

(3) encourages the Vietnam Veterans of America to continue into the next millennium to represent and promote the goals of its organization in the veterans community and on Capitol Hill, and to continue organizing local grassroots chapters and the Vietnam Veterans of America and commends it for its advancement of veterans rights which set the standard for other veterans organizations around the country.

Mr. JEFFORDS. Mr. President, I rise today with great pride and enthusiasm to submit a Senate Resolution Commemorating the 20th Anniversary of the founding of the Vietnam Veterans of America. This resolution has the co-sponsorship of Senator SPECTER, Senator AKAKA and Senator LEAHY. The resolution also points out that April marks the 18th Anniversary of the founding of Vietnam Veterans of America and May will bring me to see many of you in my hometown of Rutland, Vermont.

Mr. President, the VVA is a Congressionally chartered national veterans service organization exclusively dedicated to Vietnam-era veterans and their families. In the late 1970s, America had come through its longest and most divisive war. Many of the millions of veterans who served during that period felt that their concerns were not being addressed by the veteran community and by the federal government.

In January, 1978, Bobby Muller and a small band of Vietnam veterans came to Washington, D.C. to create an advocacy organization to push for federal action to address the needs of this unique veteran population. The VVA, initially known as the Vietnam Veterans of America Coalition and then the Council of Vietnam Veterans, went to work focusing first on the dissemination of government and local information of relations between the federal government and the veteran.

In time it became clear that, like many other organizations, this one could not survive simply by making a good case for its initiatives—it needed to build a strong membership base in order to wield political power. By the summer of 1979, the new Vietnam Veterans of America began to focus on building its membership.

The growth of the organization was slow initially, but a breakthrough came following resolution of the American Hostage Crisis in Iran in January, 1981. It became clear to many Americans that if the hostages deserved a jubilant homecoming, so did the veterans of Vietnam. Vietnam veterans began to clamor for action in the form of programs that would place the last generation of wartime veterans on the same footing as veterans from previous wars.

The strength of the organization grew with the increase in membership. The public also became more willing to
deal with the neglected veterans issues unique to the Vietnam war. This culminated in the dedication of the Vietnam Veterans Memorial in November, 1982. The activities around the Memorial rekindled a sense of camaraderie among the veterans and the feeling of a shared experience too significant to ignore.

Since then, the VVA has made great strides in the kinds of services it provides to its membership, including the founding of the Vietnam Veterans of America Legal Services that provides assistance to veterans seeking benefits and services from the government. VVA has also published critical information around benefits for Post-Traumatic Stress Disorder and Agent Orange.

I can personally vouch for the incredible efforts of people like Albert and Mary Trombley, Jake Jacobsen, Dennis Ross, Clark Howland, and of course the late Mike Dodge and Don Bodette to establish and foster the growth of grassroots organizations like Chapter 1 in Rutland, Vermont. This individual leadership has ensured a steady growth in VVA’s size, stature, and prestige.

The legislative accomplishments of the VVA through its high-profile presence on Capitol Hill have been impressive. Organizations like Vietnam-era Veterans in Congress, which now boasts 70 members, have served the overall membership well by supporting the pragmatic agendas of the VVA and sticking to its founding principle that “Never again will one generation of veterans abandon another.”

Today, the VVA has a national membership of 51,000 with more than 500 chapters. VVA state councils in 43 states coordinate the activities and programs of its national organization, ensuring that grassroots input to Congress continues to ensure that the federal government meets its obligations to its Vietnam veterans.

Mr. President, this Resolution expresses the Senate’s gratitude to the special committee, and the committee shall not have power to report by bill, or otherwise have legislative jurisdiction.

(c) TREATMENT AS STANDING COMMITTEE.—For purposes of paragraphs 1, 2, 7(a)(1)–(2), the chairmen of the committees of reference of rules 22(a) of the Standing Rules of the Senate, and sections 202 and 203 of chapter 1 of title 7 of the United States Code and 50 U.S.C. App. 1 (as in effect on the date of adoption of this resolution through February 28, 1999, and as such amount not to exceed $5,500,000 shall be available for each period for the procurement of the services of individual consultants, or organizations thereof, as authorized by section 201(b) of the Legislative Reorganization Act of 1946.

(b) PAYMENT OF BENEFITS.—The retirement and health benefits of employees of the special committee shall be paid out of the contingent fund of the Senate.
proposed by Mr. DORGAN to the concurrent resolution (S. Con. Res. 86) setting forth the congressional budget for the United States Government for fiscal years 1999, 2000, 2001, 2002, and 2003 and revised the concurrent resolution on the budget for fiscal year 1998; as follows:

Strike all after the first word of the matter proposed to be inserted and insert the following:

.SENSE OF THE SENATE REGARDING PASSENGER TRANSPORTATION FUTURE ACT OF 1999

(a) FINDINGS.—The Senate finds that—

(1) the House of Representatives passed H.R. 2676 on November 5, 1997;

(2) the Finance Committee of the Senate has held several days of hearings this year on IRS restructuring proposals;

(3) the hearings demonstrated many areas in which the House-passed bill could be improved;

(4) on March 31, 1998, the Senate Finance Committee voted 25-0 to report an IRS restructure that contains strong oversight over the IRS, more accountability for employees, and a new arsenal of taxpayer protections; and

(5) a Senate Finance package includes the following items which were not included in the House bill:

(A) removal of the statutory impediments to the Commission of Internal Revenue’s efforts to reorganize the agency to create a more streamlined, taxpayer-friendly organization;

(B) the providing of real oversight authority for the Internal Revenue Service Oversight Board to help prevent taxpayer abuse;

(C) the creation of a new Treasury Inspector General for Tax Administration to ensure independence and accountability;

(D) real, meaningful relief for innocent spouses,

(E) provisions which abate penalties and interest after 1 year so that the IRS does not profit from its own delay,

(F) provisions which ensure due process of law to taxpayers by granting them a right to a hearing before the IRS can pursue a lien, levy, or seizure;

(G) provisions which forbid the IRS from coercing taxpayers to extend the 10-year statute of limitations of collection;

(H) provisions which require the IRS to terminate employees who abuse taxpayers or other IRS employees,

(I) provisions which would make the Taxpayer Advocate more independent, and

(J) provisions enabling the Commissioner of Internal Revenue to manage employees more effectively.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the assumptions underlying the functional to totals in this budget resolution assume that the Senate shall, as expeditiously as possible, consider and pass an IRS restructuring bill which provides the most taxpayer protections, the greatest degree of IRS employee accountability, and enhanced oversight.


(a) FINDINGS.—Congress finds that a simple and fair Federal tax system in one that—

(1) applies a low tax rate, through easily understood laws, to all Americans;

(2) provides tax relief for working Americans;

(3) protects the rights of taxpayers and reduces tax collection abuses;

(4) eliminates the bias against savings and investment;

(5) promotes economic growth and job creation;

(6) does not penalize marriage or families; and

(7) provides for a taxpayer-friendly collections process to replace the Internal Revenue Service.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the provisions of this resolution assume that all taxes imposed under the Internal Revenue Code of 1986 are required to be set for any taxable year beginning after December 31, 2001 (or in the case of any tax not imposed on the basis of a taxable year, on any taxable event or any period after December 31, 2001) and that a new Federal tax system will be enacted that is both simple and fair as described in subsection (a) and that Congress supports the continued Federal Government that are needed to meet its responsibilities to the American people.

DORGAN AMENDMENT NO. 2280

Mr. DORGAN proposed an amendment to amendment No. 2189, proposed by him to the concurrent resolution, S. Con. Res. 86, supra; as follows:

At the end of the amendment add the following:

.SEC. . SENSE OF CONGRESS ON THE TAX TREATY OF 1997

(a) FINDINGS.—Congress finds that—

(1) patients lack reliable information about health plans and the quality of care that health plans provide;

(2) experts agree that the quality of health care can be substantially improved, resulting in less illness and less premature death;

(3) some managed care plans have created obstacles for patients who need to see specialists; and have required that women get permission from their primary care physician before seeing a gynecologist;

(4) a majority of consumers believe that health plans compromise their quality of care to save money;

(5) Federal preemption under the Employee Retirement Income Security Act of 1974 prevents States from enforcing protections for the 125,000,000 workers and their families receiving health insurance through employment-based group health plans; and

(6) the Advisory Commission on Consumer Protection and Quality in the Health Care Industry has unanimously recommended a patient bill of rights to protect patients against abuses by health plan and insurance issuers.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the assumptions underlying this resolution provide for the enactment of legislation to establish a patient’s bill of rights for participants in health plans, and that legislation should include—

(1) a guarantee of access to covered services, including needed emergency care, specialty care, obstetrical and gynecological care for women, and prescription drugs;

(2) provisions to ensure that the special needs of women are met, including protecting women against “drive-through” macronutrients;

(3) provisions to ensure that the special needs of children are met, including access to pediatric specialists and centers of pediatric excellence;

(4) provisions to ensure that the special needs of individuals with disabilities and the chronically ill are met, including the possibility of standing referrals to specialists or the ability to have a specialist act as a primary care provider;

(5) a procedure to hold health plans accountable for their decisions and to provide for the appeal of a decision of a health plan to deny care to an independent, impartial review process;

(6) measures to protect the integrity of the physician-patient relationship, including a ban on “gag clauses” and a ban on improper incentive arrangements; and

(7) measures to provide greater information about health plans to patients and to improve the quality of care.

(a) requirement that the network of providers included in the plan are adequate to ensure the provision of services covered by the plan.

NICKLES AMENDMENT NO. 2282

Mr. NICKLES proposed an amendment to the concurrent resolution, S. Con. Res. 86, supra; as follows:

At the appropriate place, insert the following:

.SEC. . SENSE OF THE SENATE ON HEALTH CARE QUALITY

(a) FINDINGS.—The Senate makes the following findings:

(1) Rapid changes in the health care marketplace have compromised confidence in our Nation’s health system.

(2) American consumers want more convenience, fewer hassles, more choices, and better service from their health insurance plans.

KENNEDY AMENDMENT NO. 2381

Mr. KENNEDY proposed an amendment to amendment No. 2183 proposed by him to the concurrent resolution, S. Con. Res. 86, supra; as follows:

Strike all after the first word and insert the following:

.SENSE OF THE SENATE CONCERNING A PATIENT’S BILL OF RIGHTS

(a) FINDINGS.—Congress finds that—

Congressional Record — Senate
40
S3162

CONGRESSIONAL RECORD — SENATE

April 2, 1998

DOMENICI (AND OTHERS)

AMENDMENT NO. 2283

Mr. DOMENICI (for himself, Mr. CRAIG, and Mr. LOTT) proposed an amendment to amendment No. 2226 proposed by Mr. ROCKEFELLER to the concurrent resolution, S. Con. Res. 86, supra; as follows:

On page 14, line 7, strike "$51,500,000,000." and all that follows through line 24, and substitute in lieu thereof the following:

$51,500,000,000.

(B) Outlays, $42,800,000,000.

Fiscal year 2000:

(A) New budget authority, $51,800,000,000.

(B) Outlays, $44,700,000,000.

Fiscal year 2001:

(A) New budget authority, $52,100,000,000.

(B) Outlays, $45,700,000,000.

Fiscal year 2002:

(A) New budget authority, $51,400,000,000.

(B) Outlays, $45,800,000,000.

Fiscal year 2003:

(A) New budget authority, $52,000,000,000.

(B) Outlays, $45,300,000,000.

(A) FINDINGS.—The Senate finds that—

(i) the President has twice included in his budgets a proposal on the entitlement expansion that the Department of Veterans Affairs (referred to as the "VA") is proposing to allow post-service smoking-related illness to be eligible for VA compensation;

(ii) The study and report required by paragraph (a) of section 1243 should be considered as a compensable disability;

(iii) The Secretary of the Department of Veterans Affairs, the Office of Management and Budget, and the General Accounting Office jointly required to study (referred to in this section as the "study") the VA General Counsel’s determination and the resulting actions to change the compensation rules to include disability and death benefits for conditions related to the use of tobacco products during service; and

(iv) deliver an opinion as to whether illnesses resulting from post-service smoking should be considered as a compensable disability.

(i) The study should include—

(aa) the estimated numbers of those filing such claims, the cost resulting from such filings, the time necessary to process such claims, and how such a number of claims will affect the VA’s ability to review its current claim load;

(bb) an examination of how the proposed change corresponds to prior VA policy relating to post-service actions taken by an individual; and

(cc) what Federal benefits, both VA and non-VA, former service members having smoking-related illnesses are eligible to receive.

The study shall be completed no later than July 1, 1999.

(iii) The Department of Veterans Affairs and the Office of Management and Budget shall report their finding to the Majority and Minority Leaders of the Senate and the chairmen and ranking minority members of the Senate Budget and Veterans’ Affairs Committees.

ROCKEFELLER AMENDMENT NO. 2284

Mr. ROCKEFELLER proposed an amendment to amendment No. 2226 proposed by him to the concurrent resolution, S. Con. Res. 86, supra; as follows:

On page 14, line 7, strike "$51,500,000,000." and all that follows through line 24, and substitute in lieu thereof the following:

$51,500,000,000.

(B) Outlays, $42,300,000,000.

Fiscal year 2000:

(A) New budget authority, $50,800,000,000.

(B) Outlays, $43,700,000,000.

Fiscal year 2001:

(A) New budget authority, $50,100,000,000.

(B) Outlays, $43,700,000,000.

Fiscal year 2002:

(A) New budget authority, $48,000,000,000.

(B) Outlays, $42,800,000,000.

Fiscal year 2003:

(A) New budget authority, $48,000,000,000.

(B) Outlays, $42,800,000,000.

On page 25, line 8, strike "$300,000,000." and all that follows through line 25, and substitute in lieu thereof the following:

$200,000,000.

(B) Outlays, $1,400,000,000.

Fiscal year 2000:

(A) New budget authority, $200,000,000.

(B) Outlays, $300,000,000.

Fiscal year 2001:

(A) New budget authority, $270,000,000.

(B) Outlays, $300,000,000.

Fiscal year 2002:

(A) New budget authority, $3,800,000,000.

(B) Outlays, $7,000,000,000.

Fiscal year 2003:

(A) New budget authority, $5,400,000,000.

(B) Outlays, $5,000,000,000.

In lieu of the language proposed to be stricken, insert:

(6) For reductions in programs in function 700, Veterans Benefits and Services: For fiscal year 1999, $500,000,000 in budget authority and $500,000,000 in outlays; for fiscal years 1999-2003, $10,500,000,000 in budget authority and $10,500,000,000 in outlays.

(7) Sense of the Senate on VA compensa-

tion and post-service smoking-related ill-

nesses.

(a) FINDINGS.—The Senate finds that—

(i) the President has twice included in his budgets a proposal on the entitlement expansion that the Department of Veterans Affairs (referred to as the "VA") is proposing to allow post-service smoking-related illnesses to be eligible for VA compensation;

(ii) Congress has never acted on this enti-

tlement expansion; and

(iii) the Congressional Budget Office and the Office of Management and Budget concluded that this change in VA policy would result in at least $10,000,000,000 over 5 years and $45,900,000,000 over 10 years in additional mandatory costs to the VA;

(iv) these increased number of claims and the resulting costs may present undue delay and hardship on veterans seeking claim review.

(v) the entitlement expansion apparently runs counter to all existing VA policy, including a statement by former Secretary Brown that "it is inappropriate to com-

pensate for death or disability resulting from veterans' personal choice to engage in con-

duct damaging to their health."); and

(vi) Secretary Brown’s comment in was re-

cently reaffirmed by Acting Secretary of Veterans Affairs Toggi West, who stated "It has been the position of the Department of VA that the decision to use tobacco by service members is a personal decision and is not a requirement for military service. And that therefore to compensate veterans for diseases whose sole connection to service is a veteran's own tobacco use should not rest with the Government."

It is the sense of the Senate that the function totals and assumptions underlying this resolution as-

sume the following:

(i) The support of the President’s proposal to not allow post-service smoking related ill-

esses to be eligible for VA.

(ii) The study and report required by para-

graph (3) will be completed.

(iii) The Secretary of the Department of Veterans Affairs, the Office of Management and Budget, and the General Accounting Office are jointly required to jointly study (referred to in this section as the "study") the VA General Counsel’s determination and the resulting actions to change the compensation rules to include disability and death benefits for conditions related to the use of tobacco products during service; and

(iv) deliver an opinion as to whether illnesses resulting from post-service smoking should be considered as a compensable disability.

(iv) The study should include—

(aa) the estimated numbers of those filing such claims, the cost resulting from such filings, the time necessary to process such claims, and how such a number of claims will affect the VA’s ability to review its current claim load;

(bb) an examination of how the proposed change corresponds to prior VA policy relating to post-service actions taken by an individual; and

(cc) what Federal benefits, both VA and non-VA, former service members having smoking-related illnesses are eligible to receive.

(v) The study shall be completed no later than July 1, 1999.

(vi) The Department of Veterans Affairs and the Office of Management and Budget shall report their finding to the Majority and Minority Leaders of the Senate and the chairmen and ranking minority members of the Senate Budget and Veterans’ Affairs Committees.

(7) Sense of the Senate on VA compensa-

tion and post-service smoking-related ill-

nesses.
Mr. KEMPTHORNE proposed an amendment to amendment No. 2206 proposed by Mr. REID to the concurrent resolution, S. Con. Res. 86, supra; as follows:

At the end of subsection (b)(2), strike “Act,” and insert the following:

“Act through their proceeds alone, if subsequent legislation provides an alternative or mixed, dedicated source of mandatory funding.”

THE CHILD SUPPORT PERFORMANCE AND INCENTIVE ACT OF 1998

ROTH (AND OTHERS) AMENDMENT NO. 2286

Ms. COLLINS (for Mr. ROTH for himself, Mr. MOYNIHAN, Mr. MURKOWSKI, Mr. ROCKEFELLER, Mr. BAUCUS, Mr. CHAFEE, Mr. KENNEDY, Mr. ABRAHAM, Mr. JEFFORDS, Mr. SANTORUM, Mr. GRASSLEY, Mr. GRAHAM, and Ms. MOSELEY-BRAUN) proposed an amendment to the bill (H.R. 3130) to provide for an alternative penalty procedure for States that fail to meet Federal child support data processing requirements, to reform Federal incentive payments for effective child support performance, and to provide for a more flexible penalty procedure for States that violate interjurisdictional adoption requirements; as follows:

Strike all after the enacting clause and insert the following:

TITLE I—CHILD SUPPORT DATA PROCESSING REQUIREMENTS

Sec. 101. Alternative penalty procedure.
Sec. 102. Authority to waive single statewide automated data processing and information retrieval system requirement.

TITLE II—CHILD SUPPORT INCENTIVE SYSTEM

Sec. 201. Incentive payments to States.

TITLE III—ADOPTION PROVISIONS

Sec. 301. More flexible penalty procedure to be applied for failing to permit interjurisdictional adoption.

TITLE IV—MISCELLANEOUS

Sec. 401. Elimination of barriers to the effective and efficient enforcement of medical child support.
would be processed through a single state-wide system that meets such requirement;

“(B)(i) the waiver meets the criteria of paragraphs (1), (2), and (3) of section 1115(c);

(ii) the State provides assurances to the Secretary that steps will be taken to otherwise improve the State’s child support enforcement program; and

(C) in the case of a request to waive the single state-wide system requirement, the State has submitted to the Secretary separate estimates of the total cost of a single state-wide system that meets such requirement, and of any such alternative system or systems, which shall include estimates of the cost of such a state-wide system and of operating and maintaining the system for 5 years, and the Secretary has agreed with the estimates.

(b) PAYMENTS TO STATES.—Section 555(a)(1) of such Act (42 U.S.C. 655(a)(1)) is amended—

(1) by striking “and” at the end of subparagraph (B);

(2) by striking the semicolon at the end of subparagraph (C) and inserting “;”;

and (3) by inserting after subparagraph (C) the following:

“(D) equal to 66 percent of the sums expended by the State during the quarter for an alternative state-wide system for which a waiver is granted under section 545(d)(3), but only to the extent that the total of the sums so expended by the State on or after the date of enactment of this subpart in excess of the least total cost estimate submitted by the State pursuant to section 545(d)(3)(C) in the request for the waiver;”.

TITLE II—CHILD SUPPORT INCENTIVE SYSTEM

SEC. 201. INCENTIVE PAYMENTS TO STATES.

(a) IN GENERAL.—Part D of title IV of the Social Security Act (42 U.S.C. 653-669) is amended by inserting after section 458 the following:

“SEC. 458A. INCENTIVE PAYMENTS TO STATES.

“(a) IN GENERAL.—In addition to any other payment under this part, the Secretary shall, subject to subsection (f), make an incentive payment to each State for each fiscal year in an amount determined under subsection (b).

“(b) AMOUNT OF INCENTIVE PAYMENT.—

“(1) IN GENERAL.—The incentive payment for a State for a fiscal year is equal to the incentive payment calculated under paragraph (2) of section 455(d), multiplied by the State incentive payment share for the fiscal year.

“(2) INCENTIVE PAYMENT POOL.—

“(A) IN GENERAL.—In paragraph (1), the term ‘incentive payment pool’ means—

“(i) $422,000,000 for fiscal year 2000;

“(ii) $429,000,000 for fiscal year 2001;

“(iii) $450,000,000 for fiscal year 2002;

“(iv) $461,000,000 for fiscal year 2003;

“(v) $454,000,000 for fiscal year 2004;

“(vi) $464,000,000 for fiscal year 2005;

“(vii) $480,000,000 for fiscal year 2006;

“(viii) $471,000,000 for fiscal year 2007;

“(ix) $483,000,000 for fiscal year 2008; and

“(x) for any succeeding fiscal year, the amount of the incentive payment pool for the fiscal year that precedes such succeeding fiscal year, multiplied by the percentage (if any) by which the CPI for such preceding fiscal year exceeds the CPI for the 2nd preceding fiscal year.

“(B) CPI.—For purposes of subparagraph (A), the CPI for a fiscal year is the average of the Consumer Price Index for all urban consumers published by the Department of Labor.

“(C) STATE INCENTIVE PAYMENT SHARE.—In paragraph (1), the term ‘State incentive payment share’ means, with respect to a fiscal year—

“(A) the incentive base amount for the State for the fiscal year; divided by

“(B) the sum of the incentive base amounts for all of the States for the fiscal year.

“(D) INCENTIVE AMOUNT.—In paragraph (3), the term ‘incentive base amount’, with respect to a State and a fiscal year, the sum of the applicable percentages (determined in accordance with paragraph (6)) multiplied by the corresponding maximum incentive base amounts for the State for the fiscal year, represents the following measures of State performance for the fiscal year:

“(A) The paternity establishment performance level.

“(B) The support payment performance level.

“(C) The current payment performance level.

“(D) The arrearage payment performance level.

“(E) The cost-effectiveness performance level.

“(F) Maximum incentive base amount.

“(A) IN GENERAL.—For purposes of paragraph (4), the maximum incentive base amount for a State for a fiscal year is

“(i) with respect to the performance measures described in subparagraphs (A), (B), and (C) of paragraph (4), the State collections base for the fiscal year; and

“(ii) with respect to the performance measures described in subparagraphs (D) and (E) of paragraph (4), 75 percent of the State collections base for the fiscal year.

“(B) DATA REQUIRED TO BE COMPLETE AND RELIABLE.—Notwithstanding subparagraph (A), the maximum incentive base amount for a State for a fiscal year with respect to a performance measure described in paragraph (4) is zero, unless the Secretary determines, on the basis of an audit performed under section 452(a)(4)(C)(i), that the data which the State submitted pursuant to section 452(d)(3)(C) in the request for the waiver;”.

(4) INCENTIVE BASE AMOUNT.—In paragraph (2) by striking the semicolon at the end of

“(C) of paragraph (4), the State collections base for the fiscal year.

“(A) PATERNITY ESTABLISHMENT.—The paternity establishment performance level is:

At least: But less than:  
80% ..... 80% ..... 100  
79% ..... 80% ..... 98  
78% ..... 80% ..... 96  
77% ..... 78% ..... 94  
76% ..... 77% ..... 92  
75% ..... 76% ..... 90  
74% ..... 75% ..... 88  
73% ..... 74% ..... 86  
72% ..... 73% ..... 84  
71% ..... 72% ..... 82  
70% ..... 71% ..... 80  
69% ..... 70% ..... 78  
68% ..... 69% ..... 76  
67% ..... 68% ..... 74  
66% ..... 67% ..... 72  
64% ..... 66% ..... 70  
63% ..... 64% ..... 68  
62% ..... 63% ..... 66  
61% ..... 62% ..... 64  
60% ..... 61% ..... 62  
59% ..... 60% ..... 60

The applicable percentage is:  
100  
98  
96  
94  
92  
90  
88  
86  
84  
82  
80  
78  
76  
74  
72  
70  
68  
66  
64  
62  
60  

Notwithstanding the preceding sentence, if the paternity establishment performance level of a State for a fiscal year is less than 50 percent but exceeds by at least 10 percent points the paternity establishment performance level of the State for the immediately preceding fiscal year, then the applicable percentage with respect to the State’s paternity establishment performance level is 50 percent.

(B) ESTABLISHMENT OF CHILD SUPPORT OR- DERS.—

“(1) DETERMINATION OF SUPPORT ORDER PERFORMANCE LEVEL.—The support order performance level for a State for a fiscal year is the percentage of the total number of cases under the State plan approved under this part in which there is a support order during the fiscal year.

“(2) DETERMINATION OF APPLICABLE PERCENTAGE.—The applicable percentage with respect to a State’s support order performance level is as follows:

“At least: But less than:

80% ..... 80% ..... 100  
79% ..... 80% ..... 98  
78% ..... 80% ..... 96  
77% ..... 78% ..... 94  
76% ..... 77% ..... 92  
75% ..... 76% ..... 90  
74% ..... 75% ..... 88  
73% ..... 74% ..... 86  
72% ..... 73% ..... 84  
71% ..... 72% ..... 82  
70% ..... 71% ..... 80  
69% ..... 70% ..... 78  
68% ..... 69% ..... 76  
67% ..... 68% ..... 74  
66% ..... 67% ..... 72  
65% ..... 66% ..... 70  
64% ..... 65% ..... 68  
63% ..... 64% ..... 66  
62% ..... 63% ..... 64  
61% ..... 62% ..... 62  
60% ..... 61% ..... 60

The applicable percentage is:  
100  
98  
96  
94  
92  
90  
88  
86  
84  
82  
80  
78  
76  
74  
72  
70

The applicable percentage is:  

<table>
<thead>
<tr>
<th>If the support order performance level is:</th>
<th>The applicable percentage is:</th>
</tr>
</thead>
<tbody>
<tr>
<td>At least: But less than:</td>
<td></td>
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<tr>
<td>59% ..................................</td>
<td>60% .................. 69</td>
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<tr>
<td>58% ..................................</td>
<td>60% .................. 68</td>
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<tr>
<td>57% ..................................</td>
<td>60% .................. 67</td>
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<td>54% ..................................</td>
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<td>53% ..................................</td>
<td>56% .................. 63</td>
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<td>52% .................. 62</td>
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<tr>
<td>51% ..................................</td>
<td>51% .................. 61</td>
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<tr>
<td>50% ..................................</td>
<td>50% .................. 60</td>
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</table>

Notwithstanding the preceding sentence, if the support order performance level of a State for a fiscal year is less than 50 percent but exceeds by at least 5 percentage points the support order performance level of the State for the immediately preceding fiscal year, then the applicable percentage with respect to the State’s support order performance level is 50 percent.

<table>
<thead>
<tr>
<th>If the current payment performance level is:</th>
<th>The applicable percentage is:</th>
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<tbody>
<tr>
<td>At least: But less than:</td>
<td></td>
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<tr>
<td>40% ..................................</td>
<td>41% .................. 50</td>
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<td>39% ..................................</td>
<td>39% .................. 49</td>
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<td>38% ..................................</td>
<td>38% .................. 48</td>
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<td>37% ..................................</td>
<td>37% .................. 47</td>
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<td>36% ..................................</td>
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<td>35% ..................................</td>
<td>35% .................. 45</td>
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<td>34% .................. 44</td>
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<td>33% ..................................</td>
<td>33% .................. 43</td>
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<td>32% ..................................</td>
<td>32% .................. 42</td>
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<td>31% ..................................</td>
<td>31% .................. 41</td>
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<tr>
<td>30% ..................................</td>
<td>30% .................. 40</td>
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Notwithstanding the preceding sentence, if the current payment performance level of a State for a fiscal year is less than 40 percent but exceeds by at least 5 percentage points the current payment performance level of the State for the immediately preceding fiscal year, then the applicable percentage with respect to the State’s current payment performance level is 50 percent.

<table>
<thead>
<tr>
<th>If the arrearage payment performance level is:</th>
<th>The applicable percentage is:</th>
</tr>
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<tbody>
<tr>
<td>At least: But less than:</td>
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<tr>
<td>80% ..................................</td>
<td>80% .................. 100</td>
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<tr>
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<td>51% .................. 42</td>
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<tr>
<td>50% ..................................</td>
<td>50% .................. 40</td>
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</tbody>
</table>

Notwithstanding the preceding sentence, if the arrearage payment performance level of a State for a fiscal year is less than 0 percent but exceeds by at least 5 percentage points the arrearage payment performance level of the State for the immediately preceding fiscal year, then the applicable percentage with respect to the State’s arrearage payment performance level is 50 percent.

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<thead>
<tr>
<th>If the cost-effectiveness performance level is:</th>
<th>The applicable percentage is:</th>
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<tr>
<td>At least: But less than:</td>
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<tr>
<td>5.00 ..................................</td>
<td>5.00 .................. 100</td>
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<tr>
<td>4.50 ..................................</td>
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<tr>
<td>1.50 ..................................</td>
<td>1.50 .................. 30</td>
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**April 2, 1998**
"(2) for any activity (including cost-effective contracts with local agencies) approved by the Secretary, whether or not the expenditures for the activity are eligible for reimbursement, which shall have the effect of promoting the effectiveness or efficiency of the State program operated under this part.

(b) TRANSITION RULE.—Notwithstanding any other provision of law—

(1) for fiscal year 2000, the Secretary shall reduce by ½ the amount otherwise payable to a State under section 458 of the Social Security Act, and shall reduce by ½ the amount otherwise payable to a State under section 458A of such Act.

(2) for fiscal year 2001, the Secretary shall reduce by ½ the amount otherwise payable to a State under section 458 of the Social Security Act, and shall reduce by ½ the amount otherwise payable to a State under section 458A of such Act.

(c) REGULATIONS.—Within 9 months after the date of the enactment of this section, the Secretary of Health and Human Services shall prescribe regulations governing the implementation of section 458A of the Social Security Act when such section takes effect.

(1) for fiscal year 2000, the Secretary shall submit to the

(2) in paragraph (11), by striking the period "and"

(3) by adding at the end the following:

(ii) appropriate procedures for the transmission of such Notice to employers by State agencies administering the program established under this part;

(iii) identify the impediments to the effective enforcement of medical support by State agencies administering the program established under this part;

(b) PROMULGATION OF NATIONAL STANDARDIZED MEDICAL SUPPORT NOTICE.—Section 452(a) of the Social Security Act (42 U.S.C. 652(a)) is amended—

(1) in paragraph (10), by striking "and"

(2) in paragraph (11), by striking the period and inserting "; and"

(3) by adding at the end the following:

(i) appropriate measures to improve the enforcement of medical support obligations, and shall make recommendations for appropriate measures to improve enforcement of medical support obligations by State agencies administering the program established under this part identified by the working group,

(ii) appropriate measures to improve enforcement of alternate types of medical

TITLE III—ADOPTION PROVISIONS

SECTION 301. MORE FLEXIBLE PENALTY PROCEDURE TO BE APPLIED FOR FAILING TO PERMIT INTER/JURISDICTIONAL ENFORCEMENT.

(a) CONVERSION OF FUNDING BAN INTO STATE PLAN REQUIREMENT.—Section 471(a) of the Social Security Act (42 U.S.C. 671(a)) is amended—

(b) REPORT.—Not later than October 1, 1999, the Secretary shall submit to the Congress a report that describes the performance measure and contains the recommendations required by subparagraph (A).

(e) TECHNICAL AMENDMENTS.—

(1) IN GENERAL.—Section 341 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (42 U.S.C. 658 note) is amended—

(2) EFFECTIVE DATE.—The amendments made by this subsection shall take effect as if included in the enactment of section 341 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996.

(3) CONFORMING AMENDMENT.—Section 474 of such Act (42 U.S.C. 674) is amended by striking subsection (e).

(d) RETROACTIVITY.—The amendments made by this section shall take effect as if included in the enactment of section 302 of the Adoption and Safe Families Act of 1997 (Public Law 105-89; 111 Stat. 2125).

TITLE IV—MISCELLANEOUS

SECTION 401. ELIMINATION OF BARRIERS TO THE EFFECTIVE ESTABLISHMENT AND ENFORCEMENT OF MEDICAL CHILD SUPPORT.

(a) PROMULGATION OF NATIONAL STANDARDIZED MEDICAL SUPPORT NOTICE.—Section 452(a) of the Social Security Act (42 U.S.C. 652(a)) is amended—

(1) in paragraph (10), by striking "and"

(2) in paragraph (11), by striking the period and inserting "; and"

(3) by adding at the end the following:

"(i) appropriate measures to improve enforcement of medical support obligations, and shall make recommendations for appropriate measures to improve enforcement of medical support obligations by State agencies administering the program established under this part identified by the working group,

"(ii) appropriate measures to improve enforcement of alternate types of medical
support that are aside from health coverage offered through the noncustodial parent’s health plan and unrelated to the noncustodial parent’s employer, including measures that the noncustodial parent’s responsibility to share the cost of a copayment, deductible, or a payment for services not covered under a child’s existing health coverage; and

(iv) appropriate measures for eliminating any other impediments to the effective enforcement of child support orders that the working group deems necessary; and

(D) issue, under the authority of the Secretary—

(1) not later than 180 days after the date of enactment of this paragraph, a proposed regulation that specifies that the National Standardized Medical Support Notice shall be used by State agencies administering the program under this part to enforce medical support orders, and that includes such procedures for transmission of the Notice to employers that the Secretary determines are appropriate; and

(ii) not later than 1 year after the date of enactment of this paragraph, a final regulation that specifies that the National Standardized Medical Support Notice shall be used by State agencies administering the program under this part to enforce medical support orders, and that includes such procedures for transmission of the Notice to employers that the Secretary determines are appropriate; and

(ii) not later than 1 year after the date of enactment of this paragraph, a final regulation that specifies that the National Standardized Medical Support Notice shall be used by State agencies administering the program under this part to enforce medical support orders, and that includes such procedures for transmission of the Notice to employers that the Secretary determines are appropriate; and

(i) not later than 1 year after the date of enactment of this paragraph, a final regulation that specifies that the National Standardized Medical Support Notice shall be used by State agencies administering the program under this part to enforce medical support orders, and that includes such procedures for transmission of the Notice to employers that the Secretary determines are appropriate; and

(ii) not later than 1 year after the date of enactment of this paragraph, a final regulation that specifies that the National Standardized Medical Support Notice shall be used by State agencies administering the program under this part to enforce medical support orders, and that includes such procedures for transmission of the Notice to employers that the Secretary determines are appropriate; and

(ii) not later than 1 year after the date of enactment of this paragraph, a final regulation that specifies that the National Standardized Medical Support Notice shall be used by State agencies administering the program under this part to enforce medical support orders, and that includes such procedures for transmission of the Notice to employers that the Secretary determines are appropriate; and
to enforce support orders, and shall promptly report the results of such enforcement procedure to the requesting State; "(B) the State may, by electronic or other means, transmit to another State a request for assistance in enforcing support orders through high-volume, automated administrative enforcement, which request— "(I) if the information as will enable the State to which the request is transmitted to compare the information about the cases to the information in the data banks of the State; and "(II) shall constitute a certification by the requesting State— "(i) of the amount of support under an order which is in arrears; and "(ii) the number of requests for assistance received by the State; "(iii) the number of cases for which the State collected support in response to such a request; and "(iv) the amount of such collected support. 

(b) RETROACTIVITY.—The amendment made by subsection (a) shall take effect as if included in the enactment of section 5550 of the Balanced Budget Act of 1997 (Public Law 105–33; 111 Stat. 637). SEC. 405. GENERAL ACCOUNTING OFFICE REPORTS. (a) REPORT ON FEASIBILITY OF INSTANT CHECK SYSTEM.—Not later than December 31, 1998, the Comptroller General of the United States shall report to the Committee on Finance and the Senate Committee on Ways and Means of the House of Representatives on the feasibility and cost of creating and maintaining a nationwide instant child support order check system under which an employer would be able to determine whether a newly hired employee is required to provide support under a child support order.

(b) REPORT ON IMPLEMENTATION AND USE OF CHILD SUPPORT DATABASES.—Not later than December 31, 1998, the Comptroller General of the United States shall report to the Committee on Ways and Means and the Senate Committee on the implementation of the Federal Parent Locator Service (including the Registrar of Child Support Orders and the National Directory of New Hires) established under section 453 of the Social Security Act (42 U.S.C. 653) and the State Directory of New Hires established under section 453A of such Act (42 U.S.C. 653a). The report shall include a detailed discussion of the purposes for which, and the manner in which, the information maintained in such databases has been used, and an examination as to whether such databases are subject to adequate safeguards to protect the privacy of the individuals with respect to whom information is reported and maintained.

SEC. 406. TECHNICAL CORRECTIONS. (a) Section 513(g)(1) of the Social Security Act (42 U.S.C. 613(g)(1)) is amended by striking “Economic and Educational Opportunities” and inserting “Education and the Workforce”. 

(b) Section 422(b)(2) of the Social Security Act (42 U.S.C. 622(b)(2)) is amended by striking “under” and inserting “under”. 

(c) Section 453 of the Social Security Act (42 U.S.C. 653(a)(8)) is amended by adding “: and” at the end.

(d) Section 453(a)(2) of the Social Security Act (42 U.S.C. 653(a)(2)) is amended— 

(1) by striking “parentage,” and inserting “parentage or”;

(2) by striking “or making or enforcing child custody or visitation orders,”; and

(3) in subparagraph (A), by decreasing the indentation of clause (iv) by 2 ems.


(1) by striking “November 30, 1997” and inserting “April 30, 1998”;

(2) by striking “March 1, 1998” and inserting “July 1, 1998”. 

(g) Section 474(a) of the Social Security Act (42 U.S.C. 673(a)) is amended by striking “subject to the limitations imposed by subsection (b)”.

(h) Section 232 of the Social Security Amendments of 1994 (42 U.S.C. 1314a) is amended— 

(1) in subsection (b)(3)(D), by striking “Energy” and “; and

(2) in subsection (d)(4), by striking “(b)(3)” and inserting “(b)(3)”. 

Amend the title so as to read: “An Act to provide for an alternative penalty procedure for States that fail to meet Federal child support data processing requirements, to re- formulate Federal incentive payments for effective child support performance, to provide for a more flexible penalty procedure for States that violate interjurisdictional adop- tion requirements, and for other purposes.”. 

NOTICES OF HEARINGS COMMITTEE ON ENERGY AND NATURAL RESOURCES. Mr. CRAIG. Mr. President, I would like to announce for the public that a hearing has been scheduled before the Subcommittee on Forests and Public Land Management of the Senate Committee on Energy and Natural Resources.

The hearing will take place Tuesday, April 28, 1998 at 2:30 p.m. in room SD–366 of the Dirksen Senate Office Building in Washington, D.C.

The purpose of this hearing is to receive testimony on S. 326, the Abandon Hardrock Mines Reclamation Act of 1997; S. 327, the Hardrock Mining Royalty Act of 1997; and S. 1102, Mining Law Reform Act of 1997.

Those who wish to submit written statements should write to the Committee on Energy and Natural Resources, U.S. Senate, Washington, D.C. 20510. For further information, please call Amie Brown or Mike Menge at (202) 224–6170.

COMMITTEE ON ENERGY AND NATURAL RESOURCES. Mr. CRAIG. Mr. President, I would like to announce for the public that a hearing has been scheduled before the Subcommittee on Forests and Public Land Management of the Senate Committee on Energy and Natural Resources.

The hearing will take place Tuesday, April 28, 1998 at 2:30 p.m. in room SD–366 of the Dirksen Senate Office Building in Washington, D.C.

The purpose of this hearing is to receive testimony on S. 326, the Abandon Hardrock Mines Reclamation Act of 1997; S. 327, the Hardrock Mining Royalty Act of 1997; and S. 1102, Mining Law Reform Act of 1997.

Those who wish to submit written statements should write to the Committee on Energy and Natural Resources, U.S. Senate, Washington, D.C. 20510. For further information, please call Amie Brown or Mark Rey at (202) 224–6170.

COMMITTEE ON ENERGY AND NATURAL RESOURCES. Mr. CRAIG. Mr. President, I would like to announce for the public that a hearing has been scheduled before the Subcommittee on Forests and Public Land Management of the Senate Committee on Energy and Natural Resources.

The hearing will take place Tuesday, May 5, 1998 at 9:30 a.m. in room SD–366 of the Dirksen Senate Office Building in Washington, D.C.

The purpose of this hearing is to receive testimony on S. 1233, the Public Land Management Improvement Act of 1997.

Those who wish to submit written statements should write to the Committee on Energy and Natural Resources, U.S. Senate, Washington, D.C. 20510. For further information, please call Amie Brown or Mark Rey at (202) 224–6170.

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COMMITTEE ON THE JUDICIARY
Mr. DOMENICI. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to hold an executive business meeting during the session of the Senate on Thursday, April 2, 1998, at 10:00 a.m., in room 226 of the Senate Dirksen Office Building.

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

COMMITTEE ON LABOR AND HUMAN RESOURCES
Mr. DOMENICI. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources be authorized to meet for a hearing on Monday, March 30, 1998, during the session of the Senate on Thursday, April 2, 1998, at 10:00 a.m.

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

ADDITIONAL STATEMENTS

TUBERCULOSIS
• Mr. SARBANES. Mr. President, as some of my colleagues may know, each year tuberculosis claims nearly 3 million lives—more than all other infectious diseases combined—making it the number one infectious cause of death worldwide. Unlike many other infectious diseases, tuberculosis is an airborne disease transmitted like the common cold. Nearly one-third of the world’s population is already infected, and cases of multi-drug resistant strains, which are far more difficult and expensive to treat, are on the rise. Overall, tuberculosis is responsible for 25% of all preventable deaths.

The Los Angeles Times recently published an article about USAID’s work to expand and strengthen programs to control tuberculosis, along with other global threats to public health. I think this is a very important initiative and would urge them to continue their efforts. The renewed focus on tuberculosis is due to the activities of Princeton Project 55, established by Princeton University’s Class of 1955, which has pressed for aggressive United States leadership in the prevention and treatment of this terrible disease. I commend them on their involvement and would ask that the full text of the article be printed in the Record.

The article follows:

[Brief from the Los Angeles Times, March 6, 1998]
U.S. Launches Global Effort to Control Disease
(By Marlene Cimons)
Washington—The U.S. Agency for International Development announced Thursday a new initiative aimed at controlling the global emergence of lethal infectious diseases, saying it will develop programs in targeted countries to fight the escalating health threat posed by bacterial resistance, tuberculosis and malaria.

The agency also said it will work with other health agencies worldwide to better monitor and respond to outbreaks of diseases before they get out of hand.

“This is as important for American citizens as it is for citizens abroad because “we are dealing with these problems at their origin, rather than waiting for them to get here,” said Dr. Nils Daulaire, a senior health advisor to USAID.

Congress, recognizing the potential danger from infectious diseases overseas, awarded the agency an additional $50 million for fiscal 1998 specifically for control of infectious diseases—the first time in four years that “instead of cutting our budget, Congress has added to it,” Daulaire said.

In response, the agency is pursuing a 10-year effort that it hopes will reduce by at least 10% the deaths caused by infectious diseases, excluding those caused by acquired immune deficiency syndrome, by 2007.

The $50 million is in addition to the agency’s public health budget of $850 million, which is spent on maternal and child health, immunization and the control of AIDS and the human immunodeficiency virus that causes it.

USAID has estimated that more than 17 million people worldwide will die from infectious diseases in 1998. This health problem has gotten worse in recent years due to numerous factors, including rapid population growth, overcrowding, poor sanitation, poverty, loss of trained health personnel and decreasing resources available to public health services in the poorest of countries, according to USAID.

The new strategy will focus on:

Developing programs that will discourage the indiscriminate use of antibiotics, which only strengthens the ability of resistant strains of bacteria to survive.

Developing a global tuberculosis control plan, which will include establishing up to five major sites to serve as models for TB surveillance and control and enhancing programs to identify TB strains that are resistant to multiple drugs before the strains become widespread.

Developing programs in Africa—where the most troublesome malaria problems exist—to prevent and control spread of the disease.

Rather than control the mosquitoes that transmit the parasite, efforts will focus on preventing infection and quickly treating those who become infected, an approach health officials say will help reduce further transmission.

TRIBUTE TO GOODRICH MEMORIAL LIBRARY
• Mr. JEFFORDS. Mr. President, I rise today to pay tribute to the Goodrich Memorial Library in Newport, Vermont as it recalls 100 years of community service. On May 2, 1998 the Goodrich Memorial Library will kick off a year-long celebration with a wide array of activities for people young and old.

Converse and Aliva Goodrich donated their entire estate so that Newport Village could construct and maintain a new town library. Architect
George Story’s vision became reality when the doors were opened and a ceremony held to dedicate the new library on September 1, 1898. An extremely ornate Victorian building, the Goodrich Memorial Library houses a wealth of information for those interested in Vermont’s history. In the course of his life, the library maintains an archive of local newspapers dating back to the 1800s and early 1900s.

The Goodrich Memorial Library not only serves as a resource for information, but also as a critical bond in the community. It brings people together for cultural events and as a shared experience it provides a link between generations. It is a reminder of the town’s long and proud history, one that I hope will continue for years to come.

Once again, I would like to congratulate the Goodrich Memorial Library on its centennial anniversary and wish them the best of luck in the next century of service.

A TRIBUTE TO BISHOP JAMES

Mr. HOLLINGS. Mr. President, President Clinton’s visit to Africa is a historic first time a sitting American President has visited that continent. For a distinguished South Carolinian who is accompanying the President, the trip also marks the return to a land with which he is very familiar.

Bishop Fred James, a retired Bishop of the A.M.E. Church, is one of South Carolina’s most respected men of the cloth. For four years in the 1970s, he served in Capetown, South Africa, as the presiding Bishop of the A.M.E. Church for five countries: South Africa, Lesotho, Botswana, Namibia, Swaziland, and Mozambique. During Bishop James’s tenure, the Church conducted not only traditional religious activities, but also unorthodox outreach programs to the lives of its congregants. Among other things, it built schools, operated a publishing house, and ran a cattle ranch. None of these was strictly religious in nature, but all helped to relieve the oppressive atmosphere of these countries and restore a sense of community among the A.M.E. Church’s congregants.

After returning from Africa, Bishop James continued to lead outreach programs and fight for civil rights at home, including settling in South Carolina, he was active in the NAACP and lived in Arkansas and Oklahoma. He also lived in Baltimore, where his responsibilities as Bishop overseeing thousands of congregants and many churches was now greater than those he shouldered in Africa. As the people of South Carolina know so well, Bishop James has been a force for good in every community in which he has lived.

Mr. President, I can think of no better ambassador of our nation’s goodwill toward Africa than Bishop Fred James. He has spent the better part of his life serving God and his fellow men, without expecting recognition or reward. With his selection by President Clinton to be an informal, good will ambassador to Africa, he has at last received some of both. Let us all hope the United States can achieve the same, strong relationship with Africa as that of Bishop James.

50TH ANNIVERSARY OF THE TOMB GUARDS AT ARLINGTON NATIONAL CEMETERY

Mr. HAGER. Mr. President, I want to take a moment to recognize a very special group of Americans, the Arlington National Cemetery Tomb Guards of the Third United States Infantry. The Tomb Guards this year mark their 50th anniversary—half a century of dedicated service to the American heroes who rest at Arlington.

The dedicated and devoted men and women of the Tomb Guards stand watch over the Tomb of the Unknown Soldier 24 hours a day, seven days a week, regardless of weather. Arlington’s sacred ground holds many of America’s heroes, but the unknown soldiers deserve special honor. They made the ultimate sacrifice to preserve America’s freedom, and they died in anonymity—soldiers, as inscribed on their headstones, “Known but to God.”

Since 1948, soldiers from the “Old Guard,” the Third United States Infantry, have kept watch at this most special place in Arlington National Cemetery. Only soldiers of the highest character and standards, with the greatest integrity and professional skill, are selected to serve with the Tomb Guards. These men and women are the best of the best. The competition is keen.

As young people across America search for role models, they need look no further than this group of dedicated professionals who honor the sacrifice of all who have fallen for freedom. I salute the Tomb Guards on their fifty years of dedicated service to America’s heroes and wish them well as they continue their devotion to duty. America is grateful for their service.

PRESIDENT CLINTON AND THE AFRICAN RENAISSANCE

Mr. FEINGOLD. Mr. President, I rise today to commend the historic visit that is just ending today.

I spent last week in Africa which began on March 22. As the Ranking Member of the Africa Subcommittee of the Senate Foreign Relations Committee, I know Africa’s vital importance to the United States, and I applaud the President’s effort to highlight Africa with this timely trip.

President Clinton is the first sitting U.S. president since President Jimmy Carter to take such an extensive voyage in Africa, and he will be the first sitting U.S. president ever to visit each of the individual countries on his itinerary.

We can not underestimate the significance of this.

Mr. President, millions of Americans trace their roots to Africa. Thousands of Americans have served in Africa in non-governmental organizations, church groups, or the Peace Corps, including many graduates of the University of Wisconsin-Madison. Our African heritage is prominent in the arts, music, and literature of American culture. More and more American tourists are journeying to see the natural wonders of the Serengeti, the Ghanaian Cape Coast or Victoria Falls.

Although these ties bind every American to Africa, many of them in a very passionate and personal way, I am concerned that there is so little knowledge about Africa in this country, and so little interest. That is why the President’s trip is so important.

Many of the 48 distinct nations of Africa are now experiencing what some have called an “African Renaissance.” By whatever name, there can be no doubt that Africa is a continent much changed since the years immediately following the independence period.

In some nations on that great continent, we see conflicts, coups and corruption. In others, we see the triumph of democracy and of the creative human spirit. In the past few years, too many of Africa’s peoples have faced atrocities that rank among the worst of this century. At the same time, healthy changes have swept across much of the continent, and there is more reason for optimism about Africa’s future than at any time in recent memory.

First, there has been substantial political progress. In 1989, only five African nations could be described as “democratic.” Today, there are at least twenty. Where there used to be one-party states or military regimes, we now have governments that have developed new constitutions, held multiparty elections, and taken great strides toward reforming key institutions. Parliaments in countries like Ghana and Namibia are becoming more independent, and in many countries, journalists are more boldly exercising new press freedoms.

The institutions that nourish true democracy are beginning to take root in the African soil.

Second, many of the long-standing, violent conflicts that have ravaged the land and the peoples of Africa are coming to a close. Uganda, which suffered terribly throughout the 1980s, is now one of the most stable countries on the continent. The protracted war in the Horn of Africa ended with the peaceful secession of Eritrea, an important new actor on the African stage. The problems of landlocked states have been alleviated in Liberia and Angola. And the promise of peace dangles before the peoples of Northern Mali and the Western Sahara.

CONGRESSIONAL RECORD — SENATE
April 2, 1998
Third, many African nations have surged forward in human and social development. The scourge of AIDS continues to take its toll, but infant mortality rates have dropped significantly. Population growth has slowed to a more manageable rate. The drag of illiteracy still slows economic development, but more African children go to school now than at any other time since independence.

African women, too, are playing a more active role in the future of their continent. In Botswana, an organization called “Stand Up Women” is working to expand the influence of women on national laws and policy. In South Africa, Ghana and elsewhere, female entrepreneurs are starting and managing their own businesses. Throughout Africa, more and more women are becoming involved in political life. Many have been elected to fledgling parliaments.

Finally, Africa's economies are growing at impressive rates, with an estimated 4.5 percent GDP increase in 1997, according to the World Bank. In Senegal and Uganda, growth has topped 5 percent.

Hope abides in Africa. And hope abides among those of us who see that a thriving Africa is good for America. Still, many African nations are plagued by authoritarian regimes that deny their citizens basic human rights. The economic and political potential of some nations are being squandered by ruling military juntas. In these few hold-out regimes, corruption, economic mismanagement and violent suppression of dissent are the norm. This is certainly true in Nigeria, a nation of great natural and human potential, which cannot be realized under the current regime.

In Sudan, a decades-old war has killed hundreds of thousands of innocent civilians. Sudanese children are often forced into conscription, and many of them know the barrel of a gun better than the inside of a classroom. Others, to develop it abound. Some of the poorest, most desolate places on earth are located in Africa. Life expectancy and adult literacy are the world’s lowest, while population growth and the incidence of HIV/AIDS are the highest. Basic services that we as Americans take for granted—from clean drinking water and health care, to school books and paved roads—remain out of reach for millions of Africans.

The combination of welcome progress and daunting problems in Africa present enormous challenges for U.S. policy. Some observers look at Africa and say, “This is a basket case!,” and see frightening features. These cynical voices—the so-called “Afro-pessimists”—believe America should disengage from the world and particularly from Africa; that the poverty and despair of others is not our problem, that the potential of Africa presents no opportunity.

But as the history of this century has shown time and again, the problems of the world community, do, in fact, become ours. As the world becomes smaller and more inter-dependent, new dangers—terrorism, international crime, narcotics, and infectious disease, all of which thrive in Africa—will not stop at the border. Sudanese involvement is alleged in the World Trade Center bombing. In Wisconsin, hundreds of my constituents have received fraudulent scam letters from Nigeria. For a few days in 1995, we all worried about the threat of the Ebola virus which had recently appeared in the former Zaire.

Mr. President, we cannot ignore these threats.

Though mindful of the grim realities of Africa, the United States must encourage the positive developments that are already taking place there. We must embrace and encourage those changes, and not just because we are a generous people. Africa is a growing U.S. trading partner. The Sub-Saharan Africa increased 14 percent during 1996; that’s twice as fast as the growth rate of total U.S. exports worldwide. Few people realize that the United States currently exports more to sub-Saharan Africa than to all of the former Soviet republics combined. More and more forward-thinking American companies have their eye on the vibrant potential markets in Africa.

By going to Africa, President Clinton recognizes America’s special relationship to the U.S. and demonstrates his steadfast commitment to America’s crucial role in supporting Africa’s burgeoning democracies, aiding economic growth, and promoting peace agreements, and preventing future conflicts.

The President’s trip is both symbolic and substantive. There have been moving moments with genocide survivors in Rwanda and with South African President Nelson Mandela, with school children in Uganda, and with Peace Corps volunteers in Ghana. Each of the countries on President Clinton’s itinerary represents some facet of Africa’s accomplishments. Each is an important U.S. partner.

The President has also announced several new policy initiatives, including an important education program and a welcome push for the Senate to ratify the U.N. Convention to Combat Desertification, a treaty commonly known in Africa. President Clinton has expressed his commitment to maintaining existing programs, including the Africa Crisis Response Initiative, a U.S.-led effort to help African militaries gain the capacity to participate in peacekeeping operations. I have supported this initiative here on the Senate floor.

As part of his itinerary, the President scheduled three highly significant roundtable meetings. The first, a meeting with young South African leaders outside Johannesburg, served to highlight the promise of the new generation in Africa—young people who were born well after the independence period, and who are anxious to seize new opportunities.

The second, a meeting with African environmentalists, helped give focus to some of the environmental challenges on the continent.

The third, a meeting with human rights and democracy activists at his last stop in Senegal, served to highlight America’s commitment to human rights and democracy in Africa and the need to sustain that commitment. President Clinton, I know, did.

Above all, this trip presented a perfect opportunity for the United States to make clear its stated policy of support for human rights and good government in Africa. Before he departed, I wrote to the President and asked him to consider a few ways in which he might demonstrate his commitment to these principles.

Recognizing the unique challenges posed by the recent history of the troubled Great Lakes region, I asked that the President make clear the United States’ unwavering support for democracy in the region. For example, I wrote to him to articulate America’s support for the Democratic Republic of the Congo to gain U.S. assistance, including lifting existing bans on opposition political activity and ceasing harassment of lawful components of civil society. I also urged extreme caution in any attempt by the administration to seek security assistance for the Rwandan military, which has been responsible for widespread killing of civilians. Without strong statements by the administration against such practices, the U.S. risks sending the wrong signal about our priorities and our values.

I also told the President of my hope that this trip would help strengthen the President’s resolve with respect to our Nigeria policy, particularly in light of the continuing deterioration of the human rights situation in Nigeria. I have long been concerned about the perceived lack of a policy in Nigeria. The President has said that he wants to take the strongest position possible in support of democracy in that country. I told him I appreciated the remarks delivered recently by Assistant Secretary Susan Rice before the Senate Subcommittee on Africa that made clear that the United States would not accept the election of a military candidate in Nigeria’s upcoming elections. This was a very important statement, and one that I had hoped would mark the beginning of a more coherent, resolved Nigeria policy for the United States.

That hope was all but extinguished when I heard the President remark last Friday that Nigeria’s current military ruler, General Sani Abacha, would be considered acceptable by the United States if he chose to run in the country’s upcoming election as a civilian. Other administration officials later tried to clarify the President’s remarks by noting that the U.S. objective is to support transition to civilian rule. They also noted, correctly, that the so-called “transition” process currently underway in Nigeria appears...
structured expressly to keep Gen. Abacha in power. In effect, they acknowledged the contradiction between our Nigeria policy and the political realities there.

Virtually none of the institutions that allow for a free and fair election—an independent electoral commission, an open registration process, or open procedures for the participation of independent political parties, for example—have been put into place. Repression continues unabated: political and religious prisoners remain in prison, and press remains heavily constrained, and the fruits of Nigeria’s abundant natural resources remain in the hands of Abacha’s supporters.

Unfortunately, I fear the President’s remarks may have done real damage already, by indicating to Gen. Abacha and his cronies that if Abacha were to take off his military uniform, throw on civilian clothes, and win an election, it would be OK with the United States. I fear if Abacha has explicitly agreed to accept a wolf in sheep’s clothing!

Well, lest anyone get the wrong idea, let me say that I believe, and I hope most of my colleagues believe, an electoral transition will hardly represent a transition to democracy. It would be totally unacceptable. I hope that President Clinton will clarify the policy of the United States with respect to Nigeria soon. It is high time the policy that began nearly two years ago is completed, so we do not have this alarming confusion.

Nigeria must know that anything less than a transparent transition to civilian rule will be met with severe policy consequences.

Finally, I emphasized to the President that the United States should make support for Africa’s organizations of civil society a higher priority. These groups do courageous work to promote human rights standards and to monitor their governments’ compliance. Accordingly, U.S. officials must speak out publicly when these courageous people are abused by their governments. I have urged the President to take the opportunity to highlight the vital work being performed by a broad range of civil society organizations, including those facing government repression.

Mr. President, I was concerned last December when some news reports following Secretary of State Madeleine Albright’s trip to Africa included statements by U.S. officials that it would be unfair to hold certain African governments to “Western” standards of personal and political freedom. Not only does such a contradiction of U.S. policy it is a condescending, unnecessary and dangerous concession to make to African governments that flout human rights.

A clear message on democracy and human rights is especially important as the U.S. works with African nations to strengthen their economies. Economic growth is crucial to any nation’s success, but the U.S. must ensure that as it helps to foster economic development, it also fosters political and personal freedoms. Not only does the U.S. have a moral obligation to promote human rights, Africa’s post-colonial history shows us that African nations cannot rule with respect to human rights; it is a condescending, unnecessary and dangerous concession to make to African governments that flout human rights.

The respect a government shows for human rights can tell us whether that government is beginning to earn the trust of its trading partners, and the world community at large. A government that does not respect the rights of its people cannot be trusted to honor a trade agreement or a treaty, much less the rule of law in general. This is as true for Nigeria as it is for China.

The common thread running through our Africa policy must be the U.S. commitment to democracy and human rights. Without this commitment, true peace cannot take root and economic growth will ultimately falter. Now more than ever we must make clear our commitment to democracy and human rights, both to governments working toward these goals, and, more importantly, to those repressive regimes that are not.

Mr. President, I welcome the energy the Clinton administration has devoted to Africa and to U.S. policy there. I look forward to working with the President in the future to capitalize on the momentum that will certainly be created by this most historic trip.

TRAGEDY IN CENTRE COUNTY

Mr. SANTORUM. Mr. President, I rise today to pay my respects to several young people who recently lost their lives in a cabin fire.

Two weeks ago, 11 friends from Northumberland and Lancaster Counties planned a weekend at the Wehry family cabin. The site of many memorable family gatherings, the newly remodeled cabin seemed to be the perfect setting to eat, play cards, and enjoy rural Centre County’s outdoor recreation. On Sunday morning, March 22, the friends’ fun-filled weekend came to a devastating end. The “manor in the mountains” caught fire at 5:20 a.m. All of the 11 friends died in their sleep from smoke inhalation.

Each of these young people was special in his or her own right. A quiet girl, Toni Wehry wanted to be a teacher. Amanda Wehry was bright, outgoing, and popular. Tyrone Wehry, who was working for the House Republican caucus in Harrisburg, planned to pursue a career in politics. Warwick High School’s former basketball star, Erik Gray was learning to be an electrician. Nicholas Berkey was lovingly described as a dependable young man who was always there for his friends. The versatile James Giliberti enjoyed martial arts, music, and finance; he had planned to invest in an IRA this year.

Kip Snyder is remembered as a prankster who pitched for the Line Mountain High School baseball team. Chad Hain, who enjoyed hands-on technical work, had a promising career in carpentry. Quiet and sensitive, Jason Herrold was the business manager at Susquehanna University. The West brothers, Toby and David, owned a paintball supply store. By all accounts, the vivacious Toby and the pensive David were best friends.

Friends and neighbors gathered to console the victims’ families. Well wishes tied blue and gold ribbons—Line Mountain High School’s colors—to telephone poles, lampposts, and from doors. These poignant materials hang beside Easter decorations. Students at Line Mountain High signed banners in the auditorium to bid their friends farewell. Signs expressing words of comfort and encouragement were placed in the windows of local businesses. One reads, “Now they’re in God’s cabin.”

Mr. President, words cannot describe a parent’s grief upon the death of a child. I ask my colleagues to join me in extending our sympathies to the victims’ families. Our prayers and heartfelt sympathies go out to them.

TRIBUTE TO DAVID MURRAY

Mr. JEFFORDS, Mr. President, I rise today to pay tribute to David Murray, a well known and certainly well regarded patient advocate at the Veterans’ Administration (VA) in White River Junction. As a state in the union, I must concede that Washington state is probably a close second in terms of beauty and quality of life.

I certainly wish Dave well as he embarks on this exciting venture, though likely the Veteran’s Administration hospital will never be quite the same without him. Each day he goes beyond the call of duty in his never-wavering advocacy for veterans. He provides veterans and their families with their crucial link to understanding and moving through the system. Dave is probably the most sought after person at the VA and I would venture a guess that he receives more “pages” in one hour than most VA doctors receive in an entire day.

Service is a word that Dave knows well. He served honorably in the Marine Corps during the Vietnam War, continued his federal service for the next 20 plus years culminating in his work as a scout leader. It is my understanding that Dave, when he’s not working or wearing one of his many service
GEORGE GUEDEL'S SERVICE AT THE NAVY'S ACOUSTIC RESEARCH DETACHMENT AT BAYVIEW, IDAHO

Mr. KEMPThORNE. Mr. President, I rise to say thank you to a patriot and a technical expert, George Guedel, who is retiring on May 1, 1998. George was born in Milwaukee, Wisconsin and was raised in the Seattle, WA area.

George attended the U.S. Naval Academy for two years until the response to the marriage led him to leave the academy. George completed his bachelor's degree in physics at the University of Washington. In 1965, George began working for the Navy in the underwater acoustics field, and, except for a short stint as a government contractor, continued working in that field for the Navy in positions of increasing responsibility until his retirement.

George's assignments include: Head of the Carr Inlet Acoustic Range; Head of the Acoustic Analysis Branch of the Naval Undersea Warfare Station in Keyport, WA; Head of the Santa Cruz Island Acoustic Range Facility; and Head of the Submarine Noise Measurement & Analysis Branch of the Naval Surface Warfare Center in Bremerton, WA. Throughout his career, Mr. Guedel has been highly regarded for his expertise in underwater acoustics and machine vibration, as well as for his skill in managing complex acoustic testing.

George's final and longest assignment was as Director of the Naval Surface Warfare Center's Acoustic Research Detachment (ARD) in Bayview, ID for over ten years. In this important position, George oversaw a major expansion in facilities and staff in support of critical testing for the Seawolf and New Attack Submarine programs.

His work at the ARD also included frequent presentations to top government officials, extensive involvement with the Idaho community. He has been recognized with an Employee-of-the-Year Award, several Special Act Awards and Special Achievement Awards, and numerous letters of recognition from high-ranking Navy officers. George Guedel is the author or co-author of numerous technical reports on ship and submarine noise characteristics.

George and his wife Ruth have 5 adult children, one two-year-old granddaughter, and a golden retriever. George has been an accomplished sailor since childhood, regularly competing in regattas. He is also an avid scuba diver and outdoorsman. After retirement, George plans to volunteer his skills to an organization devoted to preservation of the environment. George also hopes to spend more time on his hobbies and to win the sailing Nationals.

George Guedel has been a stalwart contributor to our Navy's stealth service and he has given outstanding assistance to me in my effort to showcase the impressive work performed at the Navy's premier submarine acoustic testing center in Bayview, Idaho. I want to wish George and Ruth good luck, fair winds and following seas in their next endeavors.

50TH ANNIVERSARY OF THE CRAZY HORSE MEMORIAL

Mr. JOHNSON. Mr. President, I express the sense of the Senate resolution commemorating the efforts of the Ziolkowski family over the past fifty years in their endeavor to honor the great Ogala Sioux warrior Tashunke Witko, or Crazy Horse, through creation of the Crazy Horse Memorial.

The Crazy Horse Memorial is a nonprofit cultural, educational, and humanitarian project dedicated to Native Americans throughout North America. The 50th anniversary of the first blast on the memorial site will occur on June 3, 1998, in my home state of South Dakota.

Crazy Horse was one of this nation's greatest Native American warriors and spiritual leaders, who fought to defend the rights and lives of his people and all Native Americans throughout his short life. He is widely remembered for leading a force of Cheyenne and Ogala Sioux warriors to victory over George Armstrong Custer in the Battle of Little Big Horn. Crazy Horse was born on Rapid Creek in 1840, and was killed when he was only 37 years of age. During his life he was a great leader of his people. Native Americans agree he did not have an equal as a warrior or a chief. He gave submissive allegiance to no man, white or Indian, and claimed his inalienable rights as an Indian to wander at will over the hunting grounds of his people. He wanted only peace and a way of living for his people.

In 1940, several Sioux Indian chiefs invited the late sculptor Korczak Ziolkowski to create a memorial to the great leader Crazy Horse, by carving a tribute to him in the Black Hills on what is popularly known as "Thunderhead Mountain." The Memorial was dedicated on June 3, 1948 with the first blast on the Thunderhead Mountain at which time Mr. Ziolkowski vowed that creation of the Memorial would be a nonprofit educational and cultural project, financed solely through private means, and wholly without government funding. Korczak Ziolkowski dedicated his life to creation of the Crazy Horse Memorial, up until his death on October 20, 1982.

Once complete, the Crazy Horse Memorial will be the largest sculpture in the world standing 563 feet high and 641 feet long. I am pleased that the Senate will recognize June 3, 1998, as the 50th anniversary of the first blast on Thunderhead Mountain, the first step toward completion of the Crazy Horse Memorial. I would like to congratulate the fifty years of efforts of Korczak Ziolkowski, his wife Ruth Ziolkowski, and their children in creating the Crazy Horse Memorial and note that the completion of the Memorial on its inception on June 3, 1948 to the present day was accomplished through private donations and completely without federal funding.

One of many great and patriotic Indian heroes, Crazy Horse's tenacity of purpose, his modest life, his unfailing courage, and his tragic death set him apart and above the others. Completion of the Crazy Horse Memorial will serve as a lasting tribute to the great Ogala Sioux warrior, Crazy Horse, a spiritual leader, Crazy Horse, and to all Native Americans.

TRIBUTE TO RICK FRIES

Mrs. FEINSTEIN. Mr. President, next week, the students, parents and faculty from Orange Grove Junior High in Hacienda Heights, California, will be visiting our nation's Capitol. This will be the twentieth consecutive year that students from Orange Grove have visited Washington, D.C. This also marks the twentieth consecutive visit by Orange Grove's tour leader and history teacher, Rick Fries.

It was in the Spring of 1979 when Rick Fries first led a group of more than 25 students and adults to the East Coast, visiting Jamestown, Yorktown, Williamsburg, Charlottesville and finally Washington, D.C. For each succeeding year thereafter, he would bring another group of Orange Grove students, sometimes to new historic places, but always to Washington. His students have seen where Revolution was born in Boston, where Independence was declared in Philadelphia, and where the Union was preserved in Gettysburg, and where our laws are made right here in Washington.

From the very first tour in 1979, Mr. Fries' goal was simple: to make American History come to life for his students. And name of it all: Living History. It's fair to say he has succeeded. This year, Mr. Fries will be leading a group of 63 students and 20 adults to Washington. His tour is so popular among Orange Grove students, it is sold out well before the beginning of the school year. His Grove students have visited Washington, D.C. and where their laws are made right here in Washington.

For the very first tour in 1979, Mr. Fries' goal was simple: to make American History come to life for his students. His name of it all: Living History. It's fair to say he has succeeded. This year, Mr. Fries will be leading a group of 63 students and 20 adults to Washington. His tour is so popular among Orange Grove students, it is sold out well before the beginning of the school year.

The tour has remained popular after all these years because the enthusiasm Mr. Fries shows for history and for his students has never wavered. Those who have traveled with and learned from Mr. Fries all agree he makes the history of our country an enjoyable experience for both students and parents because he enjoys it as well.
It’s no secret to all who are associated with Orange Grove Junior High that Mr. Fries consistently has been one of the school’s most popular teachers—popular with both students and parents. He is well-liked simply because he truly cares about his students. And he has considered a wonderful teacher of history because he truly cares about his country.

Mr. Fries is one of those remarkable teachers who has made a lasting impact on the lives of young people. In fact, one of his students who traveled with Mr. Fries on his first tour to Washington back in 1979 is now a Legislative Director for my friend and colleague from Ohio, Senator Mike DeWine. This former student has said that he holds a special interest in government, and his own love of history, was due largely to Rick Fries. I am sure there are quite a few more current and former students who were inspired by Mr. Fries, and not just in history and government. Mr. Fries also demonstrates his time with young people as a football and basketball coach, and follows the example of the legendary UCLA Coach John Wooden, who developed in his students a character.

It is fitting that the Orange Grove students will be visiting Capitol Hill on April 13—the birthday of the author of the Declaration of Independence and our third president, Thomas Jefferson. I understand Mr. Fries is a great admirer of President Jefferson, and it shows when he and his students visit Monticello—President Jefferson’s home—and the Jefferson Memorial. I also understand that all of the tributes given to President Jefferson, Mr. Fries is particularly fond of the one given by President John F. Kennedy, when the following at a White House dinner honoring Nobel Prize winners: I think this is the most extraordinary collection of talent, of human knowledge, that has ever been gathered together at the White House, with the possible exception of when Thomas Jefferson dined alone.”

Mr. President, I am sure I speak for the community of Hacienda Heights when I express my admiration and thanks to Rick Fries. He is truly an inspiration to his students and his fellow teachers for his tireless devotion to our nation’s capitol. When I express my admiration and thanks to Rick Fries. I think this is the most extraordinary collection of talent, of human knowledge, that has ever been gathered together at the White House, with the possible exception of when Thomas Jefferson dined alone."

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TRIBUTE TO HOWARD COFFIN

• Mr. JEFFORDS. Mr. President, Vermont has a long-standing reputation of having the most valiant regiments to be dispatched to the Union Army during the Civil War. Vermonters fought bravely for the preservation of the Union and for an end to slavery, they made vital contributions to many important battles. The Union Army was at a great advantage when they were lucky enough to have Vermonters fighting by their side. Mr. President, I rise today to pay tribute to Howard Coffin, a Vermonter who has lead the fight for the preservation of this country’s hallowed grounds. I pledge and honored to note that Howard Coffin will receive the Vermont Civil War Council’s “Full Duty” award for his dedication and accomplishments in preserving and understanding of our nation’s most cherished and sacred lands.

Preserving our nation’s battlefields is very important to me and a subject very close to Howard’s heart. Several years ago I had the privilege to travel with Howard, who is well known as the most prominent Civil War tour guide in Vermont, from battlefield to battlefield. We relived Jackson’s battles of the 1862 campaign and retraced the Union campaign of 1864. From that day on I have shared Howard’s passion and interest in this country’s sacred past. In fact, for many years I have referred to Howard as the “Forty-niner”. Howard took the lead as a member of my staff to find out all we could about the battlefields and what was needed to safeguard this nation’s Civil War heritage. It quickly became apparent that the Civil War battlefields were in need of protection. Howard was instrumental in drafting and helping pass important legislation which led to eventual passage of the Shenandoah Valley Battlegrounds Commission and the Civil War Sites Advisory Commission. A leader in the effort to preserve Civil War battlefields, Howard has served on the boards of the Association for the Preservation of Civil War Sites and Protect Historic America and served as member of the Civil War Sites Advisory Commission. A leader in the effort to preserve Civil War battlefields, Howard has served on the boards of the Association for the Preservation of Civil War Sites and Protect Historic America and served as member of the Civil War Sites Advisory Commission. He has published several books on the Civil War, including “Full Duty” and his most recent, “Nine Months to Gettysburg,” which tells the story of the Second Vermont Brigade. He also organized the first ever fundraiser for battlefield preservation in Vermont generating over $10,000 for the protection of the battlefield of the 3rd Winchester where Vermonters fought and died so valiantly.

Mr. President, the American Civil War is thought by many historians to be the fundamental event shaping the character of the United States. However, battlefield sites that are vital to understanding and appreciating our nation’s history are in need of preservation. This country is lucky to have Howard Coffin on its side, because he will not rest until every field, hill, dam, valley, and woods in this country that has been saturated with the blood of soldiers who fought so bravely are protected and recognized. I am grateful for the foresight and dedication of Howard Coffin and congratulate him on his acceptance of the “Full Duty” award.

BELLA S. ABZUG

• Mr. MOYNIHAN. Mr. President, I was greatly saddened to learn of the death of Bella S. Abzug. While we began our association as political rivals, past quickly became past, and I came to respect and admire her as a friend and colleague.

She served three terms in the United States Congress with extraordinary distinction, establishing an unparalleled record of commitment to women’s issues that would distinguish her career. With a rare combination of intellect, energy, and wit, Bella properly belonged on the stage of American politics. And she did not stop there—in short order Bella Abzug became an international figure. As President of the Women’s Environment and Development Organization, she added her voice to a wide range of international debates with a style that was all her own. Bella’s stature was such that in 1995 she was selected to lead a delegation of United States nongovernmental organizations to the United Nations’ Fourth World Conference on Women in Beijing, China. She made us proud.

To know Bella Abzug was to know a woman of indefatigable passion for the fray. Regardless of the issue, whenever New Yorkers needed an outspoken advocate, Bella could be counted on to lead the charge. She will be missed.

I ask that her obituary from the New York Times of April 1, 1998 be printed in the Record.

The obituary follows:


BELLA ABZUG, 77, CONGRESSWOMAN AND A FOUNDING FEMINIST, IS DEAD

(BY LAURA飛)

Bella S. Abzug, New Yorker, feminist, antitwar activist, politician and lawyer, died yesterday at Columbia-Presbyterian Medical Center in Manhattan. She was 77.

She died of complications following heart surgery, said Harold Holzer, who was her spokesman when she served in Congress. She had been hospitalized the day before she died and had been in poor health for several years, he said.

Ms. Abzug represented the West Side of Manhattan for three terms in the 1970’s. She brought with her a belligerent, exuberant politics that made her a national character. Often called just Bella, she was recognizable everywhere by her big hats and a voice that Norman Mailer said “could boil the fat off a taxicab driver’s neck.”

She opposed the Vietnam War, championed what was then called women’s liberation and was one of the first to call for the impeachment of President Richard M. Nixon. Long after it ceased to be fashionable, she called her politics radical. During her last campaign, for Congress in 1986, she told The New York Times, “I am not a centrist. Bella Abzug was a feminists and an enduring one. In the movement’s giddy, sloganeering early days, Ms. Abzug was, like Betty Friedan and Gloria Steinem, an icon, that hobnobbing before the cameras at marches and rallies.

After leaving the House in January 1977, she worked for women’s rights for two decades. She founded and led the women’s group that worked on environmental issues. And she was a leader of a conference of nongovernment organizations that paralleled the United Nations’ fourth World Conference on Women in Beijing in 1995.

Even then, she continued to rankle. Former President George Bush referred to her private visit to China that coincided with the Beijing conference, said to a meeting of food.
production executives: “I feel somewhat sorry for the Chinese, having Bella Abzug running around. Bella Abzug is one who has always represented the extremes of the woman’s movement.”

When told of Mr. Bush’s remark, Ms. Abzug, 75, and in a wheelchair, retorted: “He was addressing a fertilizer group? That’s appropriate.

Her forceful personality and direct manner made her a lightning rod for criticism from those who sometimes thought of her as the prototype of a women’s conference. After Bob Dole, then the Senate majority leader, said he could not imagine why anyone “would want to attend a congress when you can get a lot of the same from a lawyer,” Ms. Abzug responded that she was not running the meeting but simply participating with more than 30,000 other women over how best to achieve women’s equal rights.

But much of what Ms. Abzug agitated for—abortion rights, day care, laws against employment discrimination—was by that time mandated by law.

In Congress, “she was first on almost everything, on everything that ever mattered,” said Esther Newberg, Ms. Abzug’s first administrative assistant and one of many staff members who quit but remained devoted. “She was first to call for Richard Nixon’s impeachment, first to call for an end to the war.”

Ms. Abzug made enemies easily—“Sometimes the hat and the mouth took over.” Ms. Newberg said. A former law partner of Ms. Abzug saw her as a consequence of a refusal to compromise, as well as a matter of sport. Of her time in the House, Ms. Abzug wrote in a journal that was published in 1972 as “Bella.” “I spend all day figuring out how to beat the machine and knock the crap out of the political power structure.”

She worked relentlessly at organizing and coalition-building. A founder of Women Strike for Peace and the National Women’s Political Caucus, she spent a lifetime prod-\ncing change, with a lawyer’s enthusiasm for breaking new ground. From her first day on Capitol Hill, to the day she dismayed her colleagues by intro-\nducing her Vietnamese POW resolution, Ms. Abzug con-\dered the Congressional committee, the seniority system, the log-rolling and back-scratch. She did not spare fellow Democrats; when she pointed out the illegality of their discharge, they usually dismissed. She badgered the House leader-\ship over committee appointments and votes.

She badgered the President, too. Invited to a reception at Richard Nixon’s White House, she accepted (while writing in her journal, “Who wants to listen to his pious ideologues”), then turned to Nixon in the corner, saying that her constituents demanded a withdrawal from Vietnam.

For all of her railing against Democrats who went along to get along, Speaker Thom-\as P. O’Neill named her one of his dozen as-\sistant whips, and by most accounts she worked well with some of the crustiest fix-\tures in the House.

Still, in 1972 Ralph Nader estimated that Ms. Abzug’s sponsorship of a measure often cost it 20 to 30 votes. Her reputation as an ir-\rant came from all quarters. Jimmy Breslin wrote of a campaign worker who turned to the Lion’s Head for help supporting his side and vowing never to work for Ms. Abzug again. “She punched me,” he said, in a quarrel over scheduling. The next day, Mr. Breslin wrote, Ms. Abzug called the aid. “Michael, I called to apologize,” she said. “How’s your kidney?”

Mr. Breslin also recounted the Congress-\woman’s introduction to Sol Linowitz, the former chairman of the Xerox Corporation and a Democratic Party luminary: “Are you the man that used to be the head of the Xerox?” Ms. Abzug asked. “That’s right.” Mr. Linowitz replied. “I’m glad to meet a big shot,” Ms. Abzug said. “I’m in hock $35,000 on my campaign.”

Ms. Abzug acknowledged loneliness in her years in Congress. “Outside of Martin and the kids, I don’t feel very related to most people at this point,” she wrote in 1971. “I feel detached in social situations. I’m always thinking about other things, about Congress, about the issues, about the political coal-\ition I’m trying to organize. It never leaves me. I keep asking myself have there been some of my closest friends, though God knows I still love them, even if they don’t know it.”

And if she couldn’t, she was partly because “her agenda was too pure for her generation at that time.”

Ms. Abzug became expert at parliamentary rules, worked them skillfully and was fa-\mously well prepared for every vote, hearing committee markup. “I always re-\quiring governing bodies to meet publicly came out of a subcommittee she headed. She coaxed funds for New York from the Public Works Committee. She was a sponsor of the women’s equal rights amendment.

“She was one of the most exciting, enlight-\ened legislators that ever served in the Con-\gress,” said Representative Charles B. Ran-\gel of Manhattan, with whom Ms. Abzug sometimes collaborated and sometimes sparred.

CAMPAIGN BECAME A WOMEN’S CRUSADE

At this point, Bella Abzug became national news, a flash of Left色彩 in a political year. She seemed to be everywhere, clapping backs and jabbing biceps. Her campaign headquarters next to the Lion’s Head, a writ-\ting salon and office of the New York Women’s’ Liberation and the Women’s Political Action Committee, was a center for the leg-\ions of female volunteers. The women’s crusade she led was considerable, if some-\times derisive, attention.

Though she eventually took 55 percent of the vote, she had genuine Republican opposi-\tion, unusual in New York’s’ main political action consisted of various Democratic factions band-\ing one another. The Republican-Liberal candidate barry farber, a well-known radio talk show host, Mr. Farber drew many Democrats who re-\sented Mr. Farstein’s humiliation or were simply put off by Ms. Abzug’s style.

To her charge, Mr. Farber accused Ms. Abzug, who advocated direct negotiations be-\tween Israelis and Arabs, of flagging in her support of Israel. For years after that, she made a point of learning her Jewish creden-\tials, dating to childhood: her family was reli-\gious and she went regularly to synagogue (though she was bothered that women were rel-\elected to the back rows of the balcony), studied Hebrew and was enrolled for a time at the Jewish Theological Seminary.

SETTING HER SIGHTS ON THE PENTAGON

When Ms. Abzug went to Washington, she set her sights on the Armed Services Committee. She wanted a resolution calling for an immediate with-\drawal from Vietnam and she vowed to take it to the House Armed Services Committee. She wanted an end to the draft. She wanted national health insurance, legislation to fi-
In addition to her daughters, Eve and Liz, Ms. Abzug is survived by her sister, Helene Alexander of Great Neck, N.Y. "I've been described as a tough and noisy woman, so when you meet her later, you name it." Ms. Abzug said of herself in "Bella." "They call me Battling Bella, Mother Courage and a Jewish mother with more compassion than you can see."

"There are those who say I'm impatient, impetuous, uppity, rude, profane, brash and overbearing. Whether I'm any of these things is all of them for yourself to decide. But whatever I am—and this ought to be made very clear at the outset—I am a very serious woman."

**RETIEMENT OF NORTHAMPTON CITY TREASURER, MS. SHIRLEY LAROSE**

- **Mr. COVERDELL.** Mr. President, I rise today, to pay tribute to Ms. Shirley LAROSE, a dedicated public servant who has devoted more than forty-three years of her life to the residents of Northampton, Massachusetts. The city treasurer's office, which has been brightened by her infectious smile and boundless energy, will be sorely missed by all who knew her. She was a true public servant who had a give and take spirit that made her stand out in her field.

- **Mr. KERRY.** Mr. President, I wish to speak today regarding the nomination of James Hormel of California to be the U.S. Ambassador to Luxembourg.

**NOMINATION OF JAMES HORMEL**

- **Mr. KERRY.** Mr. President, I wish to speak today regarding the nomination of James Hormel of California to be the U.S. Ambassador to Luxembourg.

Last fall, after President Clinton nominated Jim Hormel to serve as our nation's next Ambassador to Luxembourg, the Foreign Relations Committee, on November 4, reported the nomination favorably by a vote of 16 to 2 and sent the nomination to the full Senate for consideration. During the course of this business meeting, no member of the Committee spoke in opposition to the nomination.

The problem is that the Senate has not been able to consider this nomination because some of our colleagues have put "holds" on it. Before adjournment last year, the Senate confirmed some 50 nominations, whose nominees had been approved by the Foreign Relations Committee. The only nomination that languished was that of Jim Hormel and the reason for this is very obvious. Some of my colleagues oppose this nomination because Jim Hormel is openly gay. That means, in their view, that he is not fit to represent his country overseas in Luxembourg.

It doesn't matter that government officials in Luxembourg have been eager to support this nominee. It doesn't matter, apparently, that in his correspondence with our colleague Senator SMITH from Oregon, Jim Hormel went on the record—in unprecedented fashion—in saying that he did not use his position as Ambassador to push any personal agenda, that his partner would not travel with him to Luxembourg, and his public positions would be those of the United States government. All that is relevant, for some members of this Senate, is that Jim Hormel is gay, that the most private and intimate elements of his lifestyle disqualify him from public service.

Mr. President, the issue is not and should not be Mr. Hormel's sexual orientation. The only relevant question here is whether he is qualified to undertake the position for which he has been nominated. The answer to that is "yes." He has impressive academic credentials, having received his undergraduate degree from Swarthmore College and his J.D. from the University of Chicago. He has served as Assistant Dean and Dean of Equations at the University of Chicago. He currently sits on the board of managers of Swarthmore.

Jim Hormel is a loving father and grandfather, a businessman who ran a successful company for years, and a philanthropist who has supported, in his words but most importantly in his deeds, some of the most important causes facing this country. Outside the beltway, there's a chorus of very public support for this nominee. Those who care about autism, breast cancer research, AIDS research, religious diversity and human rights—they've all rallied together behind this nominee. The Episcopal Archdiocese of California has called Jim Hormel "an exemplary representative of the United States of America." Leaders from the business world, from the universities, and from diplomatic circles, including, I might add, former Secretary of State George Schultz, have stated publicly that James Hormel's public character and intellect make him an exceptionally strong nominee.

This is not the first time that Jim Hormel has been asked to serve his...
country. In 1995 he was a member of the U.S. delegation to the 51st U.N. Human Rights Commission in Geneva. Last year he was nominated to serve an alternative representative of the U.S. delegation to the 51st U.N. General Assembly—a position subject to confirmation by the Senate. I want to remind my colleagues that no objection was raised to his nomination for this position, and the Senate confirmed him unanimously on May 23, 1997. In the final analysis, we’ve all got to make our own decisions about what we find acceptable, about which personal values we embrace. However, this Senator does not believe that private considerations should be used to deny an individual the right to hold a job for which he is qualified or to deny the full Senate its right to exercise its constitutional responsibility to act on a nomination. Those Senators standing in the way of this nomination should remove their “holds” and let the Senate work its will.

PRAYER WARRIORS

- Mr. BROWNBACK. Mr. President, I was moved to find that more than 800 members of the D.C. community gathered together yesterday to pray for the District’s public schools. The Rhema Christian Center Church invited people of all faiths to join them and pray for 25 school improvements which ranged from increased parental involvement to better safety.

- They call themselves prayer warriors. They were each assigned to one of the District’s 146 schools for the “Jesus Goes to School Day of Prayer.” As the children of D.C. walked into school—outside the prayer warriors prayed.

- Many of these children walk through dangerous neighborhoods—where drug deals and violence are common—on their way to school every day. These children begin their school day with negative images. Yesterday, however, was different. Yesterday, the children of D.C. began their school day with a strong, positive message of prayer and support from their community.

- The prayer warriors said “We have tried everything else as a nation to save public education. Now, let’s try prayer.” Mr. President, we should recognize and affirm the example these prayer warriors have set in the nation’s Capitol.

SATELLITE REFORM

- Mr. BURNS. Mr. President, during the final days of the first session of the 105th Congress, I announced that I would engage in an effort to eliminate outdated regulations and foster competition in the global satellite market. Since that time, I have held several meetings with representatives from the industry. In addition, my staff has conducted a series of open briefings with the various parties currently competing in the market, as well as representatives from the White House, the State Department and the Department of State.

- The satellite industry is a future of satellite communications is a future where opportunities are no longer limited by geography.

- Unfortunately, while the industry hopes to reach a new orbit, U.S. policy has remained stuck behind the launching pad. Not since Ronald Reagan deregulated the satellite market in 1984 have we taken steps to bring our policy more in line with the competitive pressures of today. As a result, many consumers both here and abroad have not had the benefit from the increase in services or the lowering of prices that have resulted from President Reagan’s vision. This is why I am going to use the upcoming recess to begin putting together a bill that will move U.S. satellite policy from the Stone Age to the Space Age. I intend to incorporate the views of all interested parties and I urge my colleagues to come to me with their ideas. I expect to have a bill completed and ready for introduction when we return later this month. I will hold a hearing in the Communications Subcommittee on the bill shortly after the Senate returns from the Easter recess. While I had originally planned to hold the hearing on April 22, I am moving the hearing date to April 29 to ensure that members have adequate time to give their insights and suggestions on this most important issue.

- As I indicated when I first took on this issue, there will be several principles that will help guide me along the way. Competition, deregulation, privatization and competitive neutrality are all principles that have helped drive past industries toward success. While the global satellite industry is somewhat different because we are dealing with sovereign nations around the world, there is a lesson that the United States cannot take a strong position and lead by example. It was our leadership under the 1962 Satellite Act that gave this industry its beginning and it can be our leadership today that brings the industry firmly into the 21st century. In fact, Mr. President, we recently witnessed such U.S. leadership. Last week, the Intelsat assembly of parties approved the creation of a spin-off company. This effort was achieved through the hard work of the U.S. delegation and the Iridium member nations of Intelsat. I believe this is a positive first step on the path to bringing boundless opportunities to folks all over the globe.

- I hope that all of my colleagues will join me in crafting legislation with the ultimate goal of encouraging competition in this industry. The rapid changes in technology and consumer behavior dictate that we act expeditiously. Market forces simply will not wait. I intend to work closely with my colleagues on the Committee to make sure that consumer interests are protected as we move forward on this vital issue.
REMEMBERING THE 1997
WATERTOWN FLOOD

Mr. JOHNSON. Mr. President, I want to take this opportunity today to recognize the one year anniversary of one of the worst natural disasters to hit Watertown, South Dakota, and the amazing fact that, only one year later, Watertown continues to grow and prosper.

Referred to by South Dakotans simply as “the flood,” the events surrounding April 5 and 6, 1997, had the potential of one of the state’s fastest growing cities. Instead, battling rising waters and a late season snowstorm, the residents of Watertown, South Dakota, overcome adversity and forged a true community, defined by selfless acts of caring, cooperation, and good will.

Few South Dakotans will forget the winter and spring preceding the April floods. Snowdrifts as high as buildings, roads with one lane cleared, homesites for hundreds, hundreds of thousands of dead livestock, and schools closed for a week at a time were commonplace. As if surviving the severe winter cold was not challenge enough, residents of Watertown could hardly believe the extent of damage wrought by “the flood.”

As Nature’s fury turned the image of homeowners and neighbors into a community spirit and pride that will last on April 6, 1997, and be proud of their community for generations to come.

Watertown residents could sense the impending flood. The first snow of the season fell in October, and six consecutive months of record-breaking snowfall covered ground that was already saturated from years of unusually wet winters. As the first warm days of spring slowly melted layers of the snowpack, Watertown residents began planning for flooding. Sandbags and earthen berms ringed Lake Kampeska and the Big Sioux River. However, despite careful planning, on April 5, an unexpected blizzard hit the state, devastating the area. Everything froze, creating further concerns about what was going to happen once the water began flowing again.

The unusual weather mix caused water levels to surge in a few hours. The snowdrifts, which had held Watertown together with their builders for hundreds of thousands of dead livestock, and schools closed for a week at a time were commonplace. As if surviving the severe winter cold was not challenge enough, residents of Watertown could hardly believe the extent of damage wrought by “the flood.”

Mr. President, April 6 marks the one year anniversary of this terrible natural disaster in Watertown. However, residents of Watertown should look back on April 6, 1997, and be proud of the way thousands of people came together and worked side by side to see their community survive. It is this community spirit and pride that will continue to make Watertown “South Dakota’s Rising Star.”

TRIBUTE TO THE VERMONT STATE HOUSING AUTHORITY FOR 20 YEARS OF SERVICE

Mr. JEFFORDS. Mr. President, I rise today to congratulate the Vermont State Housing Authority on its 20th Anniversary of providing Vermonters with access to affordable housing. On March 23, 1968, the Vermont State Housing Authority (VSHA), the nation’s first statewide housing authority, was established to ensure that Vermonters have access to affordable housing. Over many years of initiative, dedication, and innovation, the VSHA has aggressively and compassionately pursued opportunities to make housing more accessible and affordable for Vermonters’ neediest families. I celebrate and extend my congratulations to VSHA.

As a Senator, my highest priorities focus on the essentials for each citizen—economic security, quality education, health care, and meaningful work. We all know that a home is a critical foundation for a successful journey through life. Every year VSHA helps Vermonters build this foundation by providing housing services that reach more than 5,300 families. From mobile home park residents to senior citizens, VSHA serves a wide range of clients.

Over the years, VSHA has emphasized neighborhood reinvestment initiatives that provide essential supports needed to shape healthy, safe communities so its residents can thrive. The professionalism, reliability, and accomplishments of the staff at VSHA are unsurpassed. Aware of the needs and hopes of Vermonters, the VSHA staff work tirelessly to preserve and create hopeful environments for Vermonters.

Mr. President, I commend the Vermont State Housing Authority for its outstanding contribution and dedication to improving the quality of life for Vermonters. I am both proud and honored to represent such an accommodating group of individuals here in Washington as they are a national model for how to provide affordable, quality housing opportunities for those in need.

I express my sincerest thanks for VSHA’s 20 years of commitment to Vermont and her people. Their continued leadership and drive will continue to ensure that every Vermonter has a place to call home.

VIETNAM VETERANS OF AMERICA
CHAPTER 1: TWENTY YEARS OF SERVICE TO THE NATION

Mr. LEAHY. Mr. President, I rise today to commend the Vietnam Veterans of America for 20 years of service to veterans and their communities. In particular, I want to recognize the first chapter of the VVA, which was founded in Rutland, Vermont.

We remember back to the late 1970s, our nation was dealing with the aftermath of a war in which more than 58,000 Americans lost their lives and 2.8 million veterans had served. Many of those veterans were struggling with physical, emotional, and social problems directly related to their service in Vietnam.

Those problems were worsened by the attitude of many Americans who could not separate their opposition to the war from their treatment of our soldiers who had fought it. It was in that spirit that a group of Vietnam veterans from Vermont approached a resourceful young veteran named Bobby Muller. I am proud to say that Bobby Muller has become a close friend of mine and in fact was in Vermont with me just last week. The Vermonter, led by Donny Beaudette and Jake Jacobsen, founded the first chapter of what is now the Vietnam Veterans of America. I remember it well. They were soon joined by other Vermonter’s like Clark Howland, Mike Dodge, John Bergeron, and others. Together, Chapter One made it their mission to be there for Vermont Vietnam veterans and indeed all veterans.

In the twenty years since then, Chapter One has accomplished that mission, and in the process they have improved the whole Rutland community. They have not only offered assistance to fellow veterans, they have saved the lives of countless troubled veterans who had no where else to turn. Chapter One is responsible for the Dodge Development Center, a veterans center and shelter for homeless veterans which I have
would force the Defense Department to shootdown because of a fear of Cuban provocations. In fact, also clear is a pattern of unpreparedness. This pattern is clear. Unfortunately what is requested it.

Assessing Cuban capabilities to threaten the United States and, since Castro has a long record of using his capability against the United States, prepare contingency plans to respond to any threat from Cuba. We should not be caught off guard, unable to respond again.

Press reports that the Department of Defense assessment finds no national security threat from Cuba are very troubling. Just two years ago, Cuban MiGs shot down two unarmed civilian aircraft over international waters, killing three United States citizens. Although U.S. forces monitored the entire event, no U.S. forces were able to respond. Our advanced fighter aircraft never got off the ground.

Equally as troubling as this type of conventional threat are the non-traditional threats posed by Cuba. Biological and chemical weapons, intelligence collection activities, immigration crises, and a nuclear and information warfare programs all pose national security threats to the United States.

At the same time, U.S. capability to deal with these threats continues to erode. A series of decisions have reduced capability in the areas that provide the most direct capacity to respond to Cuban provocations. With the realignment of Homestead Air Force Base and Key West Naval Air Station, we are considerably more than in 1996 when the shootdown occurred.

Mr. President, let me mention a few of the known Cuban capabilities that cannot be overlooked. First, a significant conventional military capability exists that can harm United States interests, as demonstrated by the 1996 shootdown. In addition, Jane’s Defense Weekly reported last summer that Castro is training elite special force units to participate in the annual Rutland Loyalty Force Base and Key West Naval Air Station. In the 1980’s named the Baragua School in Los Palacios, Pinar del Rio, in a region known as El Cacho. It reportedly trains some 2,500 men and specializes in commando attacks and infiltration of other countries.

Castro’s capability to produce weapons of mass destruction is even more worrisome. Castro’s ability to produce biological weapons. There is no question that the capability exists. Cuba has a developed pharmaceutical industry and a network of biological “institutes” which could be used for more than simply scientific research. Many of Cuba’s engineers and scientists have been trained in former-communist countries such as East Germany and Russia and have ample training to cultivate biological weapons. Biological weapons are easily the most effective and acquire because of the dual-use nature of the technology.

Another major threat to U.S. national security is the intelligence collection facilities in Cuba that can intercept all electronic communications, emanating from the east coast of the United States. The 28 acre Russian intelligence facility at Lourdes has two electronic satellite dishes aimed at the United States which intercept phone calls, faxes, and computer data from the entire Eastern seaboard. Russia and Cuba renegotiated a $200 million annual lease for the site in 1995. According to U.S. intelligence analysts, one dish listens in on general U.S. communications, the other is used for targeted eavesdropping. The facility employs 800 Russian technicians and linguists. An example of the danger this facility poses to U.S. national security is the fact that during the Gulf War, the station’s specialists intercepted the details of the U.S. military battle plans and were prepared to disclose these plans to Iraq and other U.S. enemies.

The Russians have spent nearly $3 billion on Lourdes and sources say that the Russians are upgrading its reach. In addition, the operation at Lourdes is extremely sophisticated. According to U.S. intelligence sources, the Russians program the computers at Lourdes to listen for specific phone numbers. When they detect those lines are in use, the computers automatically record the conversations or transmissions. For priority targets, an alarm signals a Russian linguist who will actually listen in.

The Castro regime has also used mass migration as a policy tool. There have been two major refugee crises which have posed a security threat to the U.S. In 1980, 125,000 Cubans came to the U.S. in the “Mariel Boatlift.” In 1994, another 32,000 Cubans left Cuba by boat and were picked up at sea by the U.S. Coast Guard. In the Mariel crisis, the Cuban government encouraged criminals and mental patients to leave, capitalizing on additional security problems for the United States.

The problem of dealing with a large influx of refugees, whether criminal or not, gives Castro a weapon he can use to threaten the United States. Mass immigration represents a form of leverage Castro can use to extract concessions from the U.S. on a number of issues.

Cuba also has a dormant nuclear capability that can threaten the United States. Sergei Shoigu, Minister of Emergency Situations in Russia, has recently confirmed that Russia and Cuba will forge ahead to finish constructing the Juragua nuclear plant on Cuba’s south coast. The Juragua facility is known to be unsafe in both construction and design. A nuclear accident at Juragua would send a radioactive cloud over the lower tier of the U.S. to Texas or up to the East Coast to Washington, D.C. within the first four days, depending on the season and prevailing winds. A National Oceanographic and Atmospheric Administration study, an estimated 50–80 million Americans from Florida to

ASSessment of Cuban threat to United States national security

Mr. Graham. Mr. President, the 1998 Defense Authorization Bill contains a provision, which I introduced as an amendment, that requires the Secretary of Defense to conduct an assessment of the Cuban threat to United States national security. The bill requires the Secretary to report to Congress on this assessment by March 31, 1998. The report has been delayed, and it now appears that the report will be released after Congress begins the Easter recess.

While the final report has not been released and no member of Congress has yet been briefed on its content, a draft report was leaked to the press and several articles have appeared over the past few days. I am concerned that this information was leaked to the press before the report was provided to Congress.

Members of Congress are now in the position of having to respond to these press reports without the benefit of knowing the actual contents of the report. Since Congress will not be in session for over two weeks and our ability to respond to the report will be limited, I would like to take this opportunity to provide some context for the report and for the reason that I requested it.

Cuba, under Fidel Castro’s dictatorial regime, has a well documented history of threatening the national security of the United States. From the Cuban Missile Crisis, to the Mariel Boatlift, to the Brothers to the Rescue shootdown, the pattern of provocation and threat to the well being of Americans is clear. Unfortunately what is also clear is a pattern of unpreparedness on the part of the United States to respond to Cuban provocations. In fact, NBC News reported that President Clinton was constrained in responding to the Brothers to the Rescue shootdown because of a fear of Cuban counterattacks.

It was my intention that this report would force the Defense Department to assess Cuban capabilities to threaten the United States and, since Castro has a long record of using his capability against the United States, prepare contingency plans to respond to any threat from Cuba. We should not be caught off guard, unable to respond again.

Press reports that the Department of Defense assessment finds no national security threat from Cuba are very troubling. Just two years ago, Cuban MiGs shot down two unarmed civilian aircraft over international waters, killing three United States citizens. Although U.S. forces monitored the entire event, no U.S. forces were able to respond. Our advanced fighter aircraft never got off the ground.

Equally as troubling as this type of conventional threat are the non-traditional threats posed by Cuba. Biological and chemical weapons, intelligence collection activities, immigration crises, and a nuclear and information warfare programs all pose national security threats to the United States.

At the same time, U.S. capability to deal with these threats continues to erode. A series of decisions have reduced capability in the areas that provide the most direct capacity to respond to Cuban provocations. With the realignment of Homestead Air Force Base and Key West Naval Air Station, we are considerably more than in 1996 when the shootdown occurred.

Mr. President, let me mention a few of the known Cuban capabilities that cannot be overlooked. First, a significant conventional military capability exists that can harm United States interests, as demonstrated by the 1996 shootdown. In addition, Jane’s Defense Weekly reported last summer that Castro is training elite special force units to participate in the annual Rutland Loyalty Force Base and Key West Naval Air Station. In the 1980’s named the Baragua School in Los Palacios, Pinar del Rio, in a region known as El Cacho. It reportedly trains some 2,500 men and specializes in commando attacks and infiltration of other countries.

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Texas could be exposed to dangerous levels of radioactivity.

The U.S. State Department lists Cuba as a state sponsor of terrorism. Cuba also regularly conducts political, social, and economic interactions with countries listed on the State Department’s List of Terrorist Nations, including Libya, Iran, and Iraq, giving it access to these countries’ illegal supplies of weapons and biotech products. These and all just 90 miles off our shores, must be considered as a threat to U.S. national security.

Mr. President, it is clear that Cuba has the capability to threaten U.S. national security. Castro’s track record of provocations and attacks is a warning that he will use whatever capabilities he has. We must take these threats seriously and ensure that we can adequately respond to any Cuban provocation. The Constitution requires us to provide for the common defense of the American people, and we must never shrink from that responsibility. The threats posed by Castro’s Cuba are obvious. What must be made clear is an adequate plan to deter and defend against such threats.

TRIBUTE TO BOB BARKER

Mrs. FEINSTEIN. Mr. President, I rise today to pay tribute to a man who has brought joy and laughter to countless Americans during his nearly fifty years in entertainment, Bob Barker. Next week, Mr. Barker, who is the host and executive producer of the legendary game show CBS’ “The Price is Right,” celebrates airing the 5,000th episode of his series. I ask my colleagues to join me in recognizing his achievements.

In his 26th season, “The Price is Right” is the longest running game show in American history and continues to be America’s highest rated daytime game show. Beyond the fact that most Americans have watched the show at one point in their lives, more than 42,000 people have been contestants on the program, while an approximate 1.3 million have participated in the studio audience. Both the show’s spontaneity and Mr. Barker’s effortless rapport with contestants have given “The Price is Right” its unique popularity. Bob has repeatedly said over the years, “The Price is Right” is not just a television show, it is an event. Today I commend Mr. Barker not only for reaching impressive milestones with the show, but also for his long-standing ability to entertain the American people.

Mr. Barker was born in Darrington, Washington, and spent most of his youth on the Pine-Bud Indian Reservation in South Dakota where his mother was a school teacher. His family eventually moved to Springfield, Missouri, where he attended high school and Drury College on a basketball scholarship. When World War II intervened, he became a Navy fighter pilot, but the war ended before he was assigned to a seagoing squadron.

Following his discharge, Mr. Barker returned to Drury College and took a job at a local radio station to help finance his studies. It was there that he discovered that what he did best was to host audience participation shows. After graduating summa cum laude with a degree in economics, he went to work for a radio station in Palm Beach, Florida. A year later he moved to Los Angeles, and within a week, he was the host of his own radio program, “The Bob Barker Show.”

Bob Barker’s career was forever transformed in 1956 when he debuted as the host of the television show, “Truth or Consequences.” It was his 3,524 consecutive performances on “Truth or Consequences” over its eighteen-year run that won him the title of “Most Durable Performer” in the Guinness Book of World Records. During his forty-one years on network television, he has taped more shows than any other individual for a network series.

Between “Truth or Consequences,” “The Price is Right,” and his 21 years as host of both the Miss USA and Miss Universe pageants, he has hosted more than 8,500 shows in the course of his career. According to CBS, he has made more appearances on television in general than anyone else in the entire history of the medium. Bob has won 12 Emmy Awards, ten of which were for his performances as a game show host and represent the largest number of Emmys given to a single television performer.

Bob is an outspoken and eloquent supporter of animal rights, and has consistently used his celebrity to help control the animal population, thereby reducing the number of needless animal deaths. Each day he closes “The Price is Right” with a reminder to spay and neuter your pets. He has established the DJ&T Foundation to provide funding for free spay and neuter clinics across the nation. In recognition of this, he received the International Society for Animal Rights’ highest honor, the Henry Salt Award, in 1995.

Therefore, as Mr. Barker commemorates the 5,000th episode of “The Price is Right,” I thank him for his special lighthearted touch. As he told the Los Angeles Times in 1996, “We don’t solve the world’s problems. But hopefully we help a lot of people to forget their problems for an hour * * * We’re there to entertain, to laugh, and have fun.” On behalf of the people of the state of California, I congratulate you, Bob, and thank you for entertaining us and making us laugh.

REMOVAL OF INJUNCTION OF SECRECY—TREATY DOCUMENT NO. 105-40

Ms. COLLINS. As in executive session, I ask unanimous consent that the injunction of secrecy be removed from the following treaty transmitted to the Senate on April 2, 1998, by the President of the United States:

TREATY WITH ISRAEL ON MUTUAL LEGAL ASSISTANCE IN CRIMINAL MATTERS, TREATY DOCUMENT NO. 105-40

I further ask unanimous consent that the treaty be considered as having been read for the first time; that it be referred, with accompanying papers, to the Committee on Foreign Relations and ordered to be printed; and that the President’s message be printed in the RECORD.

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

The message of the President is as follows:

To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith the Treaty between the Government of the United States of America and the Government of the State of Israel on Mutual Legal Assistance in Criminal Matters, signed at Tel Aviv on January 26, 1998, and a related exchange of notes signed the same date. I transmit also, for the information of the Senate, the Report of the Department of State with respect to the Treaty.

The Treaty is one of a series of modern mutual legal assistance treaties being negotiated by the United States for the purpose of countering criminal activities more effectively. The Treaty should be an effective tool to assist in the prosecution of a wide variety of modern criminals, including those involved in terrorism, other violent crimes, drug trafficking, money laundering, and other white collar crime. The Treaty is self-executing.

The Treaty provides for a broad range of cooperation in criminal matters. Mutual assistance available under the Treaty includes: taking the testimony or statements of persons; providing documents, records, and articles of evidence; serving documents, locating or identifying persons or items; transferring persons in custody for testimony or for other assistance; executing requests for searches and seizures; assisting in proceedings related to seizure, immobilization and forfeiture of assets, restitution, and collection of fines; executing procedures involving experts; and providing any other form of assistance appropriate under the laws of the Requested State. I commend the Administration for giving early and favorable consideration to the Treaty and give its advice and consent to ratification.

WILLIAM J. CLINTON.


AUTHORIZING FUNDS FOR FEDERAL-AID HIGHWAYS, HIGHWAY SAFETY PROGRAMS, AND TRANSIT PROGRAMS

Ms. COLLINS. Mr. President, I understand that the materials received from the House H.R. 2400 regarding the highway legislation. Pursuant to the consent agreement of March 12, 1998, I now ask unanimous consent that the
Chair be authorized to appoint the following conferences, which I send to the desk.

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

Under the order of March 12, 1998, all after the enacting clause of H.R. 2400 is stricken. The text of S. 1173, as amended, is inserted in lieu thereof. The bill is read a third time and passed, the Senate insists on its passage, and requests a conference with the House.

The Presiding Officer (Mr. Hutchinson) appointed from the Committee on Environment and Public Works, Mr. Chafee, Mr. Warner, Mr. Smith of New Hampshire, Mr. Kempthorne, Mr. Inhofe, Mr. Thomas, Mr. Bond, Mr. Hutchinson, Mr. Allard, Mr. Sessions, Mr. Baucus, Mr. Moynihan, Mr. Lautenberg, Mr. Reid, Mr. Graham, Mr. Lieberman, Mrs. Boxer and Mr. Wyden; from the Committee of Finance, Mr. Roth, Mr. Grassley, Mr. Hatch, Mr. Breaux, and Mr. Conrad; from the Committee on Banking, Housing and Urban Affairs, Mr. D'Amato, Mr. Gramm, Mr. Shelby, Mr. Sarbanes, and Mr. Dodd; from the Committee on Commerce, Science and Transportation, Mr. McCain, Mr. Stevens and Mr. Hollings; from the Committee on the Budget, Mr. Domenici, Mr. Nickles, and Mrs. Murray confer on the part of the Senate.

The PRESIDING OFFICER. S. 1173 is indefinitely postponed.

AUTHORIZING APPOINTMENTS DURING ADJOURNMENT

Ms. Collins. Mr. President, I ask unanimous consent that not withstanding the adjournment of the Senate, the President of the Senate pro tempore, and the majority and minority leaders be authorized to make appointments to commissions, committees, boards, conferences or interparliamentary conferences authorized by law, by concurrent action of the two Houses, or by order of the Senate.

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

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Ms. Collins. Mr. President, I ask unanimous consent that the Senate immediately proceed to executive session to consider the following nominations on the Executive Calendar: Nos. 526, 535, 536, 537, 555, 556, 557, 563, 564, and 565.

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

I ask unanimous consent that the nominations be confirmed en bloc, that the motion to reconsider be laid upon the table, and any statements relating to these nominations appear at this point in the RECORD, and that the President be immediately notified of the Senate's action, and that the Senate then return to legislative session.

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

The nominations considered and confirmed en block are as follows:

EXECUTIVE OFFICE OF THE PRESIDENT

Thomas J. January, of California, to be Deputy Director of Supply Reduction, Office of National Drug Control Policy.

DEPARTMENT OF LABOR

Richard M. McGahey, of New York, to be an Assistant Secretary for Labor.

DEPARTMENT OF COMMERCE

Robert J. Shapiro, of the District of Columbia, to be Under Secretary of Commerce for Economic Affairs.

DEPARTMENT OF TRANSPORTATION

John Charles Howard, of Washington, to be Associate Deputy Secretary of Transportation.

THE JUDICIARY

Kermit Lipez, of Maine, to be United States Circuit Judge for the First Circuit.

The nominations confirmed en block are as follows:

NOMINATION OF JUDGE KERMIT V. LIPEZ TO THE FIRST CIRCUIT COURT OF APPEALS

Ms. Collins. I rise in support of No. 555 on the Executive Calendar, the nomination of Kermit Lipez, of Maine, to the First Circuit.

Mr. President, it is an honor and a pleasure to rise in support of the nomination of Justice Kermit Lipez to serve on the First Circuit Court of Appeals.

Having spent the past 12 years as a member of the Maine judiciary, Justice Lipez is a highly respected jurist. With experience at both the trial and appellate court levels, it is fair to say that he has been tested for the position for which he has now been nominated and that he has passed that test with flying colors.

Justice Lipez is universally praised in Maine for his judicial temperament, his sense of fairness, and his intellectual capabilities. His demeanor is consistent with that of a gentleman, treating witnesses, jurors, attorneys, and spectators with great respect, and ensuring that others follow his example. He combines great intellectual acumen with a humble common man. He has that rare ability to deal with the most cerebral of issues while keeping his feet planted firmly on the ground. Despite the talent he possesses and the respect he commands, he is a person of humility, an essential trait for someone empowered to sit in judgment of others.

Mr. President, Kermit Lipez's dedication to his profession is beyond question. As a judge's son, he came to the bench with an understanding of the judicial function. Yet, shortly after his appointment to the State Superior Court, he took the unusual step of obtaining a master's degree in judicial process from the University of Virginia School of Law.

Justice Lipez understands not only the powers of a judge but also the limits on those powers. To use his own words, courts exist to resolve "particularized disputes. They do not decide the wisdom of laws... (They) squander their resources and their authority when they try to manage problems or impose solutions beyond their competence and their proper role."

Mr. President, Justice Lipez has excelled in everything he has undertaken—whether as a legislative aide to former Senator Muskie, a private practitioner, a trial judge, or a Justice on Maine's Supreme Judicial Court—and I am confident that he will excel as a member of the First Circuit Court of Appeals.

Senator Snowe has been a very strong advocate for Justice Kermit Lipez was, in fact, Senator Snowe's husband who appointed Justice Lipez to the court in Maine. I am delighted to be here tonight to speak on behalf of this nomination.

IN SUPPORT OF JUSTICE KERMIT LIPEZ

Ms. Snowe. Mr. President, I rise today to express my strong support of Justice Kermit Lipez's nomination to become a judge on the First Circuit of the U.S. Court of Appeals.

Justice Lipez has many qualifications to recommend him. I want to take a few minutes to touch on them. But before I begin, I want to take this opportunity to thank the Chairman of the Judiciary Committee, Senator Hatch, for all that he has done in getting the Committee to promptly consider Justice Lipez's nomination and bringing us to this vote today. Throughout this process, Senator Hatch has been consistently thoughtful and cooperative, and I want him to know how much I appreciate his invaluable contributions and assistance.

The Senate's action today will be the culmination of an exemplary career on
I believe we should expect any federal judge to demonstrate a personal dedication to his or her work, a thorough understanding of the law, and a balanced approach to jurisprudence. Justice Lipez has demonstrated all of these attributes with admirable regularity.

What makes me so proud to support his nomination, however, is the fact that he will bring so much more than just the prerequisites to the federal bench.

For with Justice Lipez also comes a deep respect for the law—and a judge's role in its administration. With him comes an outstanding legal mind that is not only able, but willing to make the right decision even when it's not the easy or expeditious one. And with the nomination of Justice Lipez, the federal bench will welcome a man of the utmost personal integrity—a man well representative by his work ethic, his tremendous talent, and his irreproachable personal character.

Mr. President, I am proud that Justice Lipez will represent Maine on the First Circuit. He has precisely the kind of experience and disposition that we should expect from our nominees. He is well-tested, remarkably talented, and perfectly suited for the demanding work of the federal bench. The President and the Judiciary Committee have acted wisely in forwarding Justice Lipez's nomination, and it is time for the Senate to confirm him. I hope all of my colleagues will join me in supporting this outstanding nominee.

STATEMENT ON THE NOMINATION OF JOHNIE B. RAWLINSON

Mr. REID. Mr. President, Johnnie B. Rawlinson was born in Concord, North Carolina on December 16, 1952. The fourth of seven children, Johnnie grew up in Kannapolis, North Carolina where she attended public school and was a member of the first integrated class at A.L. Brown High School in Kannapolis. Upon graduation, Johnnie received a full scholarship to attend North Carolina A&T University in Greensboro, North Carolina. She majored in psychology and graduated Summa Cum Laude with a Bachelor's of Science degree in 1974.

Johnnie met Dwight Rawlinson, her husband of 21 years, while they were both juniors at A&T. They married in 1976 while Dwight, an officer in the Air Force, had been transferred. Johnnie enrolled at the University of the Pacific's McGeorge School of Law where she had been granted a full academic scholarship. In November of 1977, at the beginning of her second year of law school, Dwight was transferred to Nellis Air Force Base. Pregnant with their first child, Johnnie stayed in California to finish up her schooling. In 1978, Dwight joined her for spring break and to celebrate the birth of their daughter Monica. Since Nevada has no law school, Dwight and Johnnie decided that Johnnie and Monica would return to California for her third and final year of law school. Monica attended classes with her mother and they both returned to Nellis for long weekends and summers. In 1979, Johnnie B. Rawlinson graduated in the top ten percent of her law school class, the first attorney in her family.

Johnnie was admitted to the California Bar in 1979 and the Nevada Bar in 1980. While she was waiting to find her first law position, Johnnie worked as a law clerk for John O'Reilly, former Chair of the Nevada Gaming Commission. In June of 1980, she went to work as a staff attorney for Nevada Legal Services, where she worked on landlord-tenant disputes and unemployment compensation. After four months of work for Legal Services, in October of 1980, she was hired as Deputy District Attorney by Nevada Governor Bob Miller, who was then serving as Clark County DA.

For the past 17 years, Rawlinson has moved steadily up the ladder at the District Attorney's office. She served for nine years as a Deputy District Attorney, developing her expertise in the areas of Arbitration, Collection Law, Hospital Law, Local Government Purchasing, Employment Law, Labor Law, Civil Litigation and Workers Compensation. In September 1989, she was promoted to Chief Deputy District Attorney and in January of 1995, Clark County DA Stewart Bell promoted her to Assistant District Attorney. In her current position, she supervises the Civil, Family Support, and Administration Divisions of the office. She presents evidence at Coroner's Inquests and is the Chair of the Professional Hiring Committee.

In the mid 1980s, Governor Richard Bryan appointed Rawlinson to the Welfare Board where she served until 1991. In 1991, she made it to the final round of the interview process for an open position as U.S. Magistrate in Nevada District Court. When another Magistrate position opened up in Northern Nevada, she was named as the Magistrate Judge Selection Committee. A past member of the State of Nevada Board of Governors and a past board member of the Clark County Bar Association, the Southern Nevada Association of Women Attorneys, and the Las Vegas Chapter of the National Bar Association, Rawlinson plays an active role in Nevada legal affairs. She currently serves on the State Bar of Nevada's Board of Governors and is Chair of the Lawyer Referral Services Committee. She has also served as a lawyer representative to the Ninth Circuit Judicial Conference and currently serves as a member of Judge Phillip chell's Employment Law at the Community College of Southern Nevada.

Today, Johnnie and Dwight Rawlinson are the proud parents of...
three children: Monica, a graduate of Western High, received her own full academic scholarship to South Carolina State University where she is in her sophomore year studying pre-med; Traci is entering the ninth grade at Western High and David is a second grade student at Howard Wadesden Elementary School.

Residents of Clark County for close to twenty years, the Rawlinsons enjoy spending time with their family and friends from church. An active member of the Church of Christ in North Las Vegas, Johnnie served as Secretary of the Church for 10 years and taught Sunday school as well.

In late August 1997, I sent Rawlinson's name to the President as my nominee for Federal District Court Judge for the District of Nevada. On January 27, 1998, President Clinton formally nominated her for a seat on the federal bench. She was unanimously reported by the Senate Judiciary Committee on March 26, 1998. Tonight she was confirmed by the Senate. Johnnie B. Rawlinson will be the first African American and the first woman she was confirmed by the Senate.

Ms. Rawlinson was nominated for a seat on the Court for the Western District of Arkansas.

Before adjourning for a two-week recess, it is important for the Senate to clear its calendar of nominations to the maximum extent possible. Certainly the confirmation of these outstanding nominees, which the President sent to us back in October and November last year and earlier this year, are a step in the right direction. I have been urging the Majority Leader to move judicial nominations through the Senate and I thank him for doing so with respect to these nominees.

As the Senate prepares to recess, eight judicial nominations still remain on the calendar awaiting Senate action. With these three additional confirmations, the Senate will still have confirmed less than 20 judges for the year. This, at a time when we have already vacated 180 vacancies so far this year and we see another 10 on the horizon. So, while I thank the Senate for its actions today, I must note that we have not closed the vacancies gap or ended the crisis of which the Chief Justice of the United States Supreme Court warned in his most recent year end report.

Most troubling to me are the continuing vacancies on the Second Circuit. I deeply regret the Senate's unwillfulness to date to vote upon the nomination of Judge Sonia Sotomayor to the Second Circuit or to provide hearings for Judge Rosemary Pooler, Robert Sack and Chester Straub. I will redouble my efforts to end the emergency that currently exists in the Second Circuit due to the five vacancies on that 13-member court.

I look forward to prompt action on all of the 36 judicial nominees still pending for the Senate. In addition, I urge the President to make good use of the next several days and to continue to send to the Senate qualified nominees for each of the judicial vacancies.

**LEGISLATIVE SESSION**

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

**CHILD SUPPORT PERFORMANCE AND INCENTIVE ACT OF 1998**

Ms. COLLINS. I ask unanimous consent that the Finance Committee be discharged from further consideration of H.R. 3130, and, further, that the Senate proceed to its immediate consideration.

**The PRESIDING OFFICER.** The clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 3130) to provide for an alternative penalty procedure for States that fail to meet Federal child support data processing requirements, to reform Federal incentive payments for effective child support performance, to provide for a more flexible child support enforcement procedure for States that violate interjurisdictional adoption requirements, to amend the Immigration and Nationality Act to make certain aliens determined to be delinquent in the payment of child support inadmissible and ineligible for naturalization, and for other purposes.

**The PRESIDING OFFICER.** Is there objection to the immediate consideration of the amendment?

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

**AMENDMENT NO. 2286**

Ms. COLLINS. Senator Roth has a substitute amendment at desk and I ask for its consideration.

**The PRESIDING OFFICER.** The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Maine (Ms. Collins), for Mr. ROTH, proposes an amendment numbered 2286.

Ms. COLLINS. I ask unanimous consent that the reading of the amendment be dispensed with.

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

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

Ms. COLLINS. I ask unanimous consent that the amendment be agreed to.

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

The amendment (No. 2286) was agreed to.

Mr. ROTH. Mr. President, on behalf of the Finance Committee, I am joining with Senator MOYNIHAN and others today to bring H.R. 3130, the Child Support Performance and Incentive Act of 1998, before the Senate. This important bill passed the House of Representatives earlier this month by a vote of 414 to 1.

When a bill passes the House by that wide a margin, it is either non-controversial, of limited national significance, or an extremely important piece of legislation with broad and deep support. H.R. 3130 clearly falls within this last category.

The work on this legislation began slowly after the “Personal Responsibility and Work Opportunity Reconciliation Act of 1996” was signed into law. The 1996 welfare reform act required the Secretary of Health and Human Services to recommend to Congress a new, budget-neutral performance-based incentive system for the child support enforcement program. H.R. 3130 incorporates those recommendations which were developed in consultation with 26 representatives of state and local child support enforcement systems. The new incentive program is the centerpiece of this bill.

Under current law, the Federal Government returns more than $400 million per year in child support collections to the states as incentive payments. But this incentive structure has been criticized for years as weak and inadequate. All States, regardless of actual performance, receive some incentive payments. But for more than a decade, performance has not been tied to the national goals of the program.

H.R. 3130 breaks with the past and creates five categories in which state performance will be evaluated and rewarded.

The States will be measured according to their performance in paternity establishment, establishment of court orders, collections of current child support payments, collections on past due payments, and cost effectiveness.

The legislation also requires the Secretary of Health and Human Services to make a future recommendation on adding another performance measure on medical support orders. Let me particularly thank Senator ROCKEFELLER for his work in designing a strategy to overcome the inherent barriers to medical support orders.

The new incentive structure is an important development not only for the child support enforcement system but also as a model for improving accountability and performance in government.

The second important feature of this bill is to provide for an alternative penalty procedure for those states that have failed to meet federal child support data processing requirements. Less than half of the States have been certified as in compliance. Without this change, states face not only the impact of their entire performance, but all of their funds in the Temporary Assistance for Needy Families program as well.
SUMMARY OF H.R. 3130. ‘‘THE CHILD SUPPORT PERFORMANCE AND INCENTIVE ACT OF 1998’’
WITH SENATE MODIFICATIONS, MARCH 1998
TITLE I: ALTERNATIVE PENALTY PROCEDURE
Eligibility for alternative penalty. A state which is in full federal data processing requirements may enter into a corrective compliance plan with the Secretary of Health and Human Services. The plan must demonstrate that the state will achieve compliance at what cost the state will achieve compliance.
For failing to achieve compliance, a state will be penalized 4 percent of its federal administrative payments under the IV–E program beginning in FY 1998. The penalty will increase to 8 percent for the second year of noncompliance; 16 percent for the third year; and 30 percent for the fourth year and each subsequent year. A state is subject to a single reduction in a fiscal year.
Penalty waiver. A state is not penalized in the fiscal year in which it achieves compliance. A state will not be subject to a higher penalty as a result of a delay by HHS to conduct a review.
Penalty forgiveness. In the first two year period in which a penalty is applied, HHS shall reduce the penalty from the immediately preceding year when compliance is achieved.
For example, the 4 percent penalty for FY 1998 will be reduced by 20 percent if compliance is achieved in FY 1999. The 8 percent penalty for 1999 will be reduced by 20 percent if compliance is achieved in 2000. There is no forgiveness for the previous year after the second year.
Penalty reduction for good performance. In the case of the 1996 welfare reform requirements, a state which fails to comply in a fiscal year could have its penalty for that year reduced by 20 percent for each performance measure where the state was provided in Title II for which it achieves its maximum score.
Expansion of waiver provision. The authority of the Secretary to waive certain data processing requirements and to provide federal funding for a wider range of state data systems activities would be expanded to include waiving the single statewide system requirement under certain conditions and providing federal funds to develop and enhance local systems, which are linked to statewide systems. To qualify, a state would have to demonstrate that it can develop an alternative system that: can help the state meet the paperless requirement and other performance measures; can submit required data to HHS that is complete and reliable; substantially complies with all requirements of the child support enforcement program; achieves all the functional capacity for automatic data processing outlined in the statute; meets the requirements for distributing incentives to states and governments, including cases in which support is owed to more than one family or more than one government; has only one point of contact for both state and local agencies (which provides seamless case processing) and intrastate case management; is based on standardized data elements, forms, and definitions that are used throughout the state; can be operational in no more time than it would take to achieve an operational single statewide system; and can process child support cases as quickly, efficiently, and effectively as would be possible with a single statewide system.
Federal payments under waiver. In addition to the various requirements described above, and to the requirements in current law, the state would have to submit to the Secretary separate estimates of the costs to develop and implement a single statewide system and the alternative system being proposed by the state plus the costs of operating and maintaining these systems for five years from the date of implementation. The Secretary would have to agree with the estimates. If a state elects to operate such an alternative system, the state would be held accountable for assisting the child support enforcement system.
Under the Finance amendment, states will not face a penalty in the year in which they come into compliance. And states which come into compliance with the first two years after penalties have been imposed can have the penalty from the prior year reduced.
H.R. 3130 also provides additional flexibility to the states in how they design their automated systems.
In looking back over the history of automation, we find there were a number of mistakes made at both the federal and state levels which contributed to the delay in getting these systems operational. The child support enforcement system is a prime example of what can happen when regulations fail to keep pace with real world practices.
H.R. 3130 recognizes the advances in technologies and allows states to take advantage of these improvements. It properly refocuses federal policy on function and results rather than on rigid rules.
All of these changes will work together to get the states in compliance as quickly as possible. This will mean the child support enforcement system will work better for the families who depend on child support.
H.R. 3130 also provides additional flexibility in how penalties are applied under the new ‘‘Adoption and Safe Families Act of 1997’’ which became law last November. It is vitally important that the states be held accountable for assisting the children in foster care.
H.R. 3130 should not be denied the opportunity to be adopted into a loving and caring family simply because the prospective parents live in the next county.
When the Department of Health and Human Services issues regulations on how the new penalties are enforced, it should, of course, provide the states with the opportunity to present evidence of how it complies with the law. The review of this new requirement must be a fair and complete assessment of whether the law is being met.
Mr. President, this is indeed an important, bipartisan bill which will prove itself to pay dividends for America’s families. I urge its adoption.
I add my name in consent a summary be printed in the Record.
There being no objection, the material was ordered to be printed in the Record, as follows:
First, it requires the Secretaries of HHS and Labor to design and implement a Standardized Medical Support Notice. State child support agencies will be required to use this standardized form to communicate the issuance of a medical support order, and employers will be required to accept the form as a "Qualified Medical Support Order" under ERISA. Second, the Secretaries will jointly establish a medical support working group to identify and make recommendations for the removal of other barriers to effective medical support. Third, the Secretary of Labor is required to submit a report containing recommendations for any additional ERISA changes necessary to improve medical support enforcement.

Safeguard of new employee information. This provision imposes a fine of $1,000 for each act of unauthorized access to, disclosure of, or use of information in the National Directory of New Hires. It also requires that data entered into the National Director of New Hires be deleted 24 months after date of entry for individuals who have a child support order. For an individual who does not have a child support order, the data must be deleted after 12 months.

General Accounting Office study on program improvements. The General Accounting Office (GAO) is required to report to Congress on the feasibility of implementing an instant check system for employers to use in identifying individuals with child support orders. The report is also to include a review of the use of the Federal Parent Locator Service, including the Federal Case Registry of Child Support Orders and the National Directory of New Hires, and the adequacy of privacy protections.

Technical and conforming amendments. There are several technical and conforming amendments made. The two most noteworthy amendments deal with data collection in the calculation of the adopting incentive payments and collection of Social Security numbers and are described below.

(1) The new provision would give the states an additional five months to report data needed to calculate adoption incentive payments and the Secretary an additional four months to approve the data.

(2) The 1996 welfare reform law requires states to collect Social Security numbers on applications for state licenses for purposes of matching in child support cases by January 1, 1998. The "Illegal Immigration Reform and Immigration Responsibility Act of 1996" requires states to collect Social Security numbers on applications for state licenses for purposes of checking the identity of immigrants by October 1, 2000. This amendment would conform the differing requirements by changing the date for child support cases to October 1, 2000, or such earlier date as the state selects.

Title V of the House bill regarding immigration provisions is not included in the substitute.

COMPARISON OF SENATE AND HOUSE PENALTIES

Example of a state with $100 million IV–D grant:

1. Penalties faced if compliance is achieved in 1998: (Year 1) (Assumes did not submit December 1, 1997 letter to HHS).

<table>
<thead>
<tr>
<th>Year</th>
<th>Senate</th>
<th>House</th>
</tr>
</thead>
<tbody>
<tr>
<td>FY 1998</td>
<td>$2 million</td>
<td>$4 million reduced by 75%</td>
</tr>
<tr>
<td>FY 1999</td>
<td>$3.2 million</td>
<td>($4 million reduced by 20%)</td>
</tr>
<tr>
<td>FY 2000</td>
<td>$0</td>
<td>Total: $3.2 million</td>
</tr>
</tbody>
</table>

2. Penalties faced if compliance is achieved in 1999: (Year 2).

<table>
<thead>
<tr>
<th>Year</th>
<th>Senate</th>
<th>House</th>
</tr>
</thead>
<tbody>
<tr>
<td>FY 1998</td>
<td>$4 million</td>
<td>$8 million</td>
</tr>
<tr>
<td>FY 1999</td>
<td>$4 million</td>
<td>$16 million reduced by 75%</td>
</tr>
<tr>
<td>FY 2000</td>
<td>$0</td>
<td>Total: $16 million</td>
</tr>
</tbody>
</table>

3. Penalties faced if compliance is achieved in FY 2000: (Year 3).

<table>
<thead>
<tr>
<th>Year</th>
<th>Senate</th>
<th>House</th>
</tr>
</thead>
<tbody>
<tr>
<td>FY 1998</td>
<td>$4 million</td>
<td>$8 million</td>
</tr>
<tr>
<td>FY 1999</td>
<td>$6.4 million</td>
<td>($8 million reduced by 20%)</td>
</tr>
<tr>
<td>FY 2000</td>
<td>$0</td>
<td>Total: $16.4 million</td>
</tr>
</tbody>
</table>

4. Penalties faced if compliance is achieved in 2001: (Year 4).

<table>
<thead>
<tr>
<th>Year</th>
<th>Senate</th>
<th>House</th>
</tr>
</thead>
<tbody>
<tr>
<td>FY 1998</td>
<td>$4 million</td>
<td>$8 million</td>
</tr>
<tr>
<td>FY 1999</td>
<td>$8 million</td>
<td>$16 million</td>
</tr>
<tr>
<td>FY 2000</td>
<td>$0</td>
<td>Total: $24 million</td>
</tr>
<tr>
<td>FY 2001</td>
<td>$5 million</td>
<td>($20 million reduced by 75%)</td>
</tr>
<tr>
<td>FY 2002</td>
<td>$0</td>
<td>Total: $33 million</td>
</tr>
</tbody>
</table>

5. Penalties faced if compliance is achieved in 2002: (Year 5).

<table>
<thead>
<tr>
<th>Year</th>
<th>Senate</th>
<th>House</th>
</tr>
</thead>
<tbody>
<tr>
<td>FY 1998</td>
<td>$4 million</td>
<td>$8 million</td>
</tr>
<tr>
<td>FY 1999</td>
<td>$8 million</td>
<td>$16 million</td>
</tr>
<tr>
<td>FY 2000</td>
<td>$0</td>
<td>Total: $24 million</td>
</tr>
<tr>
<td>FY 2001</td>
<td>$5 million</td>
<td>($20 million reduced by 75%)</td>
</tr>
<tr>
<td>FY 2002</td>
<td>$0</td>
<td>Total: $38 million</td>
</tr>
</tbody>
</table>

Total: $10.4 million

A SPECIAL COMMITTEE TO ADDRESS THE YEAR 2000 TECHNOLOGY PROBLEM

Ms. COLLINS. Mr. President, I ask unanimous consent that the bill be deemed read a third time and passed, that the title amendment be agreed to, and the motion to reconsider be laid upon the table, and any statements relating to the bill appear at this point in the RECORD.

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

The bill (H.R. 3130) was deemed read the third time and passed.

The title was amended so as to read: An Act to provide for an alternative penalty procedure for States that fail to meet Federal child support processing requirements, to reform Federal incentive payments for effective child support performance, to provide for a more flexible penalty procedure for States that violate interjurisdictional adoption requirements, and for other purposes.

A resolution (S. Res. 208) to establish a special committee of the Senate to address the year 2000 technology problem. The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.
Ms. COLLINS. Mr. President, I ask unanimous consent that the resolution be agreed to, the motion to reconsider be laid upon the table, and that any statements related to the resolution appear at this point in the Record.

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

The resolution (S. Res. 208) was agreed to, as follows:

S. Res. 208

Resolved, SECTION 1. ESTABLISHMENT OF THE SPECIAL COMMITTEE.

(a) ESTABLISHMENT.—There is established a special committee of the Senate to be known as the Special Committee on the Year 2000 Technology Problem (hereafter in this resolution referred to as the ‘special committee’).

(b) PURPOSE.—The purpose of the special committee is—

(i) to study the impact of the year 2000 technology problem on the Executive and Judicial Branches of the Federal Government, State governments, and private sector operations in the United States and abroad;

(ii) to make such findings of fact as are warranted and appropriate; and

(iii) to make such recommendations, including recommendations for new legislation and amendments to existing laws and any administrative or other actions, as the special committee may determine to be necessary or desirable.

No proposed legislation shall be referred to the special committee, and the committee shall not have power to report by bill, or otherwise have legislative jurisdiction.

(c) TREATMENT AS STANDING COMMITTEE.—For purposes of paragraphs 1, 2, 7(a)(1)–(2), and 10(a) of rule XXVI and rule XXVII of the Standing Rules of the Senate, and section 202(i) and (j) of the Legislative Reorganization Act of 1946, the special committee shall be treated as a standing committee of the Senate.

SEC. 2. MEMBERSHIP AND ORGANIZATION OF THE SPECIAL COMMITTEE.

(a) MEMBERSHIP.—

(1) IN GENERAL.—The special committee shall consist of 7 members of the Senate—

(A) to be appointed by the President pro tempore of the Senate from the majority party of the Senate upon the recommendation of the Majority Leader of the Senate; and

(B) 3 of whom shall be appointed by the President pro tempore of the Senate from the minority party of the Senate upon the recommendation of the Minority Leader of the Senate.

The Chairman and Ranking Minority Member of the Appropriations Committee shall be appointed ex-officio members.

(2) VACANCIES.—Vacancies in the membership of the special committee shall not affect the authority of the remaining members to execute the functions of the special committee and shall be filled in the same manner as original appointments to it are made.

(b) SERVICE.—For the purpose of paragraph 4 of rule XXV of the Standing Rules of the Senate, service of a Senator as a member, chairman, or vice chairman of the special committee shall not be taken into account.

(b) CHAIRMAN.—The chairman of the special committee shall be selected by the Majority Leader of the Senate and the vice chairman of the special committee shall be selected by the Minority Leader of the Senate. The chairman shall discharge such responsibilities as the special committee or the chairman may assign.

SEC. 3. AUTHORITY OF SPECIAL COMMITTEE.

(a) IN GENERAL.—For the purposes of this resolution, the special committee is authorized, in its discretion, to—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel;

(3) to hold hearings;

(4) to sit at any time or place during the sessions, recesses, and adjourned periods of the Senate;

(5) to require, by subpoena or otherwise, the attendance of witnesses and the production of correspondence, books, papers, and documents;

(6) to take depositions and other testimony;

(7) to procure the services of individual consultants or organizations thereof, in accordance with the provisions of section 202(i) of the Legislative Reorganization Act of 1946; and

(8) with the prior consent of the Government Accountability Office and the Committee on Rules and Administration, to use on a nonreimbursable basis the services of personnel of any such department or agency.

(b) OATHS FOR WITNESSES.—The chairman of the special committee or any member thereof may administer oaths to witnesses.

(c) SUBPOENAS.—Subpoenas authorized by the special committee may be issued over the signature of the chairman after consultation with the vice chairman, or any member of the special committee designated by the chairman after consultation with the vice chairman, and may be served by any person designated by the chairman or the member signing the subpoena.

(d) OTHER COMMITTEE STAFF.—The special committee may, with the prior consent of the chairman of any other Senate committee or the chairman of any subcommittee of any committee of the Senate and on a nonreimbursable basis, the facilities or services of any members of the staff of such other Senate committee whenever the special committee or its chairman, following consultation with the vice chairman, considers that such action is necessary or appropriate to enable the special committee to make the investigation and study provided for in this resolution.

(e) USE OF OFFICE SPACE.—The staff of the special committee may be located in the personal office of a Member of a special committee.

SEC. 4. REPORT AND TERMINATION.

The special committee shall report its findings, together with such recommendations as it deems advisable, to the Senate at the earliest practicable date.

SEC. 5. FUNDING.

(a) IN GENERAL.—From the date this resolution is agreed to through February 28, 2000, the expenses of the special committee incurred under this resolution shall not exceed $575,000 for the period beginning on the date of adoption of this resolution through February 28, 1999, and $575,000 for the period of March 1, 1999 through February 28, 2000, of which amount not to exceed $200,000 shall be available for each period for the procurement of the services of individual consultants, or organizations thereof, as authorized by section 202(i) of the Legislative Reorganization Act of 1946.

(b) PAYMENT OF BENEFITS.—The retirement and health benefits of employees of the special committee shall be paid out of the contingent fund of the Senate.

ORDERS FOR FRIDAY, APRIL 3, 1998

Ms. COLLINS. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 10 a.m. on Friday, April 3, and immediately following the prayer, the routine requests through the morning hour be granted, and that the Senate begin a period for the transaction of morning business until the hour of adjournment, with Senators permitted to speak therein for up to 10 minutes each, with the following exceptions: Senator DeWine for 1 hour, and Senator Daschle for 1 hour.

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

PROGRAM

Ms. COLLINS. Mr. President, tomorrow the Senate will be in a period for morning business from 10 a.m. until 12 noon. It is hoped that at 12 noon the Senate will be able to proceed to the consideration of Senate bill 414, the international shipping bill.

In addition, the Senate may consider any executive or legislative business cleared for Senate action. As previously announced, there will be no rollcall votes during tomorrow's session.

When the Senate reconvenes following the Easter holidays, the Senate will resume consideration of the Coverdell A+ Education Act. Also, as announced, the next rollcall votes will occur on that legislation on Tuesday, April 21, at a time to be announced by the majority leader.

Mr. FORD. Will the acting leader yield?

Ms. COLLINS. I am happy to yield.

Mr. FORD. We are attempting to get an answer on a question I have. I don’t want to hold the Senate here any longer, but there is a possibility. Could we have a quorum call, if the Senator would like to leave, with a motion that when I get my answer we will go out, or something like that? I will be more pleased to do that.

Ms. COLLINS. 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.

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

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

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Ms. COLLINS. Mr. President, if there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 10:54 p.m., adjourned until Friday, April 3, 1998, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate April 2, 1998:
THE JUDICIARY
RALPH R. TYSON, OF LOUISIANA, TO BE UNITED STATES DISTRICT JUDGE FOR THE MIDDLE DISTRICT OF LOUISIANA, VICE MARCEL LIVAUDAIN, JR., RETIRED.

DEPARTMENT OF DEFENSE
BERNARD DANIEL ROSTKER, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF DEFENSE, VICE FREDERICK P. FANG, RESIGNED.

DEPARTMENT OF STATE
FRANK B. LOY, OF THE DISTRICT OF COLUMBIA, TO BE AN UNDER SECRETARY OF STATE, VICE TIMOTHY R. WRIGHT, RESIGNED.

ERIC S. RIEDEL, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF CONSUL, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF SLOVENIA.

RICHARD NELSON SWIFT, OF RHODE ISLAND, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO SPAIN.

NATIONAL SCIENCE FOUNDATION
RITA R. COLWELL, OF MARYLAND, TO BE DIRECTOR OF THE NATIONAL SCIENCE FOUNDATION FOR A TERM OF SIX YEARS, VICE NEAL F. LANE.

EXECUTIVE OFFICE OF THE PRESIDENT
ROSINA M. BIERBAUM, OF VIRGINIA, TO BE AN ASSOCIATE DIRECTOR OF THE OFFICE OF SCIENCE AND TECHNOLOGY POLICY, VICE JERRY M. MELILLO, RESIGNED.

THE FOLLOWING-NAMED OFFICERS FOR REGULAR APPOINTMENT IN THE NURSE CORPS, MEDICAL CORPS, DENTAL CORPS, AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO DENMARK.

THE FOLLOWING-NAMED OFFICERS FOR REGULAR APPOINTMENT IN THE AIR FORCE

IN THE AIR FORCE


To be colonel

To be major
DARRYL R. ANDREWS, MARIA T. BONYANT, CATHY J. CHESS, LYNNE P. COOL, NOEL T. FISHER, RICHARD HILBURN, BEVERLY CHAPMAN, SHANNON G. GRAY, FRANCES B. HOLLAND, DANIEL SCHAFFER, KALDON WALTJEN.

To be captain
CLINTS A. ARCHER, DANIELLE N. BIRD.

To be lieutenant colonel

To be colonel
The Honorable *William R. Cohen*, U.S. Secretary of *Defense*, is hereby nominated to be Lieutenant Colonel April 2, 1998.
To be major

To be United States District Judge for the Central District of Illinois, vice Richard H. Mills, retired.

John C. Truesdale, of Maryland, to be General Counsel of the National Labor Relations Board for a term of four years, vice Frederick L. Feinstein, resigned.

Executive nominations confirmed by the Senate April 2, 1998:

Mr. EWING. Mr. Speaker, I rise today to honor the 115th anniversary of Our Lady of Lourdes Parish in Cleveland, Ohio, a spiritual community dedicated to their church, to their neighborhood and to each other. In the mid 1800’s the Bohemian community in Cleveland was thriving. Industrialization and the Civil War created a need for skilled laborers. The original Rockefeller Refinery and the Standard Oil Company were among businesses in the area that recruited immigrants from Europe to work in the refineries. By 1882, it was evident that a new parish needed to be founded to serve the growing number of immigrants from Bohemia and Slovakia in Cleveland. Father Stephen Furdek responded to the needs and made the journey from his native Prague to establish Our Lady of Lourdes Church in Cleveland, Ohio. Subsequent pastors have continued the work of Father Furdek by building a first-rate Catholic School, Renovating the church building and guiding the parish through good times and bad. The parish family has survived epidemics, wars, the Depression, and changing demographics in the neighborhood. Throughout the years the church, although of Bohemian ancestry, has developed into a congregation of Americans. Parishioners of various races and ethnic backgrounds are united by their common faith and dedication to their community.

My fellow colleagues, please join me in celebrating the 115th anniversary of a truly great and devoted parish, Our Lady of Lourdes.

HON. THOMAS W. EWING
OF ILLINOIS
IN THE HOUSE OF REPRESENTATIVES
Wednesday, April 1, 1998

Mr. EWING. Mr. Speaker, I rise today to urge my colleagues to support the Selective Agricultural Embargoes Act of 1998, which my good friend Representative CONDIT and myself introduced today. This bill would require the approval of the House and the Senate if the President decided to impose an agriculture-specific embargo on a foreign country. This legislation would not interrupt embargoes currently in place, nor would it impede the President’s authority to impose cross-sector embargoes.

The Soviet Grain Embargo is still very fresh in the minds of grain farmers throughout America. In the midst of an already poor overall economy the imposition of the Soviet Grain Embargo triggered the worst agriculture economy in America since the Great Depression. With the enactment of the Freedom to Farm Act, our farmers are depending more and more on foreign markets for an increasingly significant portion of their income. Our farmers are marketing themselves as reliable suppliers of food and fiber to the world markets. Agriculture has a unique position in the U.S. export portfolio. While the overall trade balance has been in deficit since 1970, U.S. agriculture exports have consistently been in surplus. Our farmers are so productive and so efficient that the American market cannot possibly consume all that is produced. Because our farmers depend on foreign markets more than any other sector of our economy, they have the most to lose should an agriculture embargo be imposed. Congress should have input into any process that threatens the incomes of our farmers. This bill would allow the Congress and the American people a chance to fully debate the merits of any future agriculture-specific embargo. We owe it to our farmers to make sure that they do not bear an disproportionate share of the burden for U.S. foreign policy decisions. Mr. Speaker, I urge my colleagues to cosponsor the Selective Agricultural Embargoes Act of 1998.

HON. KEN CALVERT
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, April 1, 1998

Mr. CALVERT. Mr. Speaker, I rise today to honor and praise an individual in my district who has worked tirelessly in her community and devoted much of her time to helping others. This individual continually strives for excellence and is willing to take on any project that comes her way. Her abilities to succeed and make a difference are matched by her compassion and kindness. This dedicated individual is Beth King.

Beth King is a member of the Board of Directors for the Corona Regional Medical Center Foundation and she is co-manager of its gift shop where she oversees purchasing, merchandising, bookkeeping and coordinating the staff of volunteers. She is also very active in the community and participates in several organizations. She is a member of the American Cancer Society Board of Directors, the Settlement House Board of Directors where she serves as treasurer, and the Circle Club Rotary Club where she serves as the Board of Directors member who serves as the Community Service Director.

Her time and energy have been well spent as a dedicated local fundraising on several committees, such as the Corona Regional Medical Center Foundation which hosts the Annual Gala, co-chaired by Beth in 1997. For three years, Beth has co-chaired the American Cancer Society Dinner Dance and Auction. These events have become two of the largest in Corona.

I would like to thank Beth for her innumerable contributions in her community. I encourage her to continue in her efforts to make the city of Corona a better place and wish her the best of luck in all of her future endeavors.

TRIBUTE TO BETH KING

HON. KEN CALVERT
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, April 1, 1998

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I would like to thank Beth for her innumerable contributions in her community. I encourage her to continue in her efforts to make the city of Corona a better place and wish her the best of luck in all of her future endeavors.

HON. ROBERT A. UNDERWOOD
OF GUAM
IN THE HOUSE OF REPRESENTATIVES
Wednesday, April 1, 1998

Mr. UNDERWOOD. Mr. Speaker, I rise in support of H.R. 836, the Filipino Veterans Equity Act. Ever since Thomas Jefferson first framed these words together—all men are created equal—men and women of all shapes, sizes, shades and statures have repeatedly maintained, declared, claimed and even believed that this nation is truly “dedicated to the proposition that all men are created equal.” Unfortunately, even the most rudimentary historical research would warrant our respectful assessment on this claim and aspiration of ours. This United States faces daily challenges to live up to the Jeffersonian precept “All men are indeed created equal” and, as in the past it seems we still are not doing what we should. As a second-class American citizen, a delegate, not quite a full Member of Congress hailing from an unincorporated territory with an unresolved political status, I am all too familiar with our nation’s failure to live up to the true meaning of this declaration and our democratic creed. Today, I would like to share my views on another member of the club, second-class veterans.

In addition to being the congressional district geographically situated closest to the Republic of the Philippines, Guam and its people share deep cultural and historic ties with the Filipinos. The people of Guam, as with Filipinos, have, for hundreds of years, endured occupation, colonialism and second-class treatment by others who were not indigenous to their homeland. Having also suffered through three long years of painful and brutal occupation under the Japanese, we, the people of Guam, understand and appreciate the sacrifices and plight of Filipino World War II veterans.

Comprised mainly of Filipino volunteers and recruits augmented by American soldiers, the defenders of Bataan and Corregidor delayed the Japanese effort to conquer the Western Pacific. This enabled U.S. forces to adequately prepare and launch the campaign to finally secure victory in the Pacific theater of World War II. Filipino veterans swore allegiance to the same flag, wore the same uniforms, fought, bled and died in the same battlefields alongside American comrades but were never afforded equal status. Prior to mass discharges and disbanding of their units in 1949, these veterans were paid only a third of what regular service members received at the time. Underpaid, having been denied benefits they were promised, and lacking proper
of downtown. He organized support in the community to save the theaters from scheduled demolition and to restore them to their original grandeur. He was determined to prove that downtown entertainment in Cleveland would thrive.

After restoration of the theaters, the show that brought people who hadn’t been downtown in decades back was “Jaques Brel is Alive and Well and Living in Paris,” created and directed by Dr. Joseph Garry. The cabaret-style show features 4 extraordinary singers performing 26 songs by Jacques Brel, a contemporary of the French poet, troubadour, artist, rebel, lover, cynic, and sentimental. In the Director’s words, “Brel” is more than a cabaret show, “it is a series of impressions, perceptions, and truths. It is bit- ter, it is sweet, it is agonizing, it is loving. It is the mind, heart and soul of a sensitive contemporary man.”

On April 18, 1973 “Brel” opened for a planned three-week run to an audience of 300 people who fell in love with the show and with the vision of a revitalized downtown Cleveland. A record-breaking two years and 600 performances later, the show had a recording, a national reputation, and sometimes an even bigger crowd than the Indians. It proved Ray Shepardson correct—people really would come downtown to the theaters at Playhouse Square.

Twenty-five years after that opening night, the historic theaters of Playhouse Square and downtown Cleveland continue to draw great crowds, and “Brel” is the musical phenomenon that started it all. I would like to salute the Director, Joseph Garry, the Musical Director, David Gooding, the original cast, Cliff Bemis, David Frazier, Providence Holland, and the rest of the cast and everyone involved in carrying on the legacy of “Brel.”

TRIBUTE TO COLONEL ALFREDO X. XERES-BURGOS, SR.

HON. LYNN C. WOOLSEY
OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES
Wednesday, April 1, 1998

Ms. WOOLSEY. Mr. Speaker, I rise today to pay tribute to Colonel Alfredo X. Xeres-Burgos, Sr., a Philippine National who has helped preserve a valiant moment in American history on the island of Corregidor, Philippines. Colonel Burgos has demonstrated unique perseverance and deserves our gratitude and recognition.

May 6, 1998, will mark the 56th anniversary of the fall of the Corregidor to Imperial Japanese forces. For those who fought under the command of Gen. Douglas MacArthur in the heroic defense of Bataan and Corregidor against Imperial Japan and who survived the infamous Bataan death march and captivity in Japanese prison camps these memories have not faded. During these historic events and throughout the war, U.S. Marines and Filipinos displayed selfless sacrifice rivaling any other military units.

Filipino and United States defenders of the Philippines engaged Japanese forces from the historic beaches of the Philippine islands to the last bastion and faced, with indomitable spirit, fortitude, and loyalty to America, powerful Imperial Japanese forces.

Today, the island of Corregidor is a superb living monument to the courage of the American soldiers, sailors and Marines who defended it, and to the horror of war. Thanks to the initiative taken by Colonel Burgos, Corregidor is one of the most impressive of all WWII memorial parks to be found anywhere in the world.

Colonel Burgos has repaired the battered road linking the gun batteries and bomb-shattered buildings of this fortress. Fort Mills. He has created informative signs, trained guides and organized tours and transportation while walking a fine line between preserving historic relics for the benefit of posterity and a benefit for tourists from all over the world. In 1995, Colonel Burgos served as the personal guide to President Clinton when he visited Corregidor.

Colonel Burgos has demonstrated unique perseverance and deserves our gratitude and recognition. Today, the island of Corregidor is a superb living monument to the courage of the American soldiers, sailors and Marines who defended it, and to the horror of war. Thanks to the initiative taken by Colonel Burgos, Corregidor is one of the most impressive of all WWII memorial parks to be found anywhere in the world.

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Members of the Congressional Hispanic Caucus (CHC). During their meeting with the CHC, we had the opportunity to discuss the political and economic integration process of MERCOSUR and the effects of this free-trade pact on the United States economy.

Data from the Department of Commerce on the current balance of trade between MERCOSUR and the United States shows that the United States not only enjoys a surplus in trade with MERCOSUR, but also reveals that exports to MERCOSUR countries are significantly larger than those to China and Russia together, $23.3 billion versus $16 billion. This is an important fact we should remember as we continue to develop relations with these countries.

Mr. Speaker, I would like to express my appreciation to the Joint MERCOSUR Parliamentary Delegation for visiting Washington and extend my congratulations to the MERCOSUR countries for their achievements.

**WOMEN’S HISTORY COLLECTION**

**HON. KAREN MCCARTHY**
**OF MISSOURI**

**IN THE HOUSE OF REPRESENTATIVES**

Wednesday, April 1, 1998

Ms. McCARTHY of Missouri. Mr. Speaker, I rise today to recognize and salute the establishment of a Women’s History Collection at the Jackson County Historical Society Archives and Research Library. Two remarkable women, Barbara Potts, former Mayor of Independence, and Jane Flynn, former administrator of the Landmarks Commission, have researched and preserved the lives of leading Kansas City women and their history.

Last weekend this exhibit was launched with a celebration at the University of Missouri-Kansas City entitled “Give Children the Gift of Women’s History.” As we salute Women’s History Month we must remember the importance of passing on our heritage to new generations.

During the 20th Century a great deal of significant change has taken place for women. The institution of Congress has evolved from independence, and Jane Flynn, former administrator of the Landmarks Commission, have researched and preserved the lives of leading Kansas City women and their history.

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Mr. Speaker, I would like to express my appreciation to the Joint MERCOSUR Parliamentary Delegation for visiting Washington and extend my congratulations to the MERCOSUR countries for their achievements.

**TRIBUTE TO DR. AND MRS. CHARLES AND REBECCA GUNNOE**

**HON. KEN CALVERT**
**OF CALIFORNIA**

**IN THE HOUSE OF REPRESENTATIVES**

Wednesday, April 1, 1998

Mr. CALVERT. Mr. Speaker, throughout this country of ours there are a few individuals who, because they contribute so generously of their time and talents to help others, are recognized as pillars of their community. Charles and Rebecca Gunnoe are individuals who have combined their forces over the past 25 years, both in medical practice and in the community. I would like to take this opportunity to honor and praise them for their commitment to family, community, and the well-being of the Nation as a whole.

Early in his career, Dr. Gunnoe began the practice of advocating quality care for patients and firmly believes that it is possible for one physician to make a difference. He moved to Corona in 1954 and quickly became involved in many community activities. He began by serving as co-chairman on a committee of Corona citizens to recommend specialized needs and priorities for the future of Corona. He was also the Charter President of the Corona Junior Chamber of Commerce and helped develop and dedicate the first Boys Club of Corona. In addition to establishing a family life in Corona, Dr. Gunnoe founded the Circle City Hospital which is now part of the Corona Regional Medical Center. He also built the Corona Clinic where he continues to practice today.

Along with working on a daily basis with her husband, Mrs. Gunnoe too has demonstrated a commitment to the community in the development and funding of the Corona chapter of the Trauma Intervention Program, or TIP. This volunteer based organization assists families of victims in tragic situations.

Together they have provided funds and assistance in the development of a Christian school library, supported community resources such as the YMCA, Lion’s Club, and other service organizations such as the Cancer Society, Foundation of Circle City Hospital and Corona Regional Medical Center, United Way, and Police and Sheriff Relief Funds.

I am fortunate to have Chuck and Becky Gunnoe as members of my district and personal friends. Their commitment to family and community is one that should serve as a model for others to follow. I thank them for their innumerable contributions and wish them the best of luck in all of their future endeavors.

**WELCOMING PRESIDENT FIDEL VALDEZ RAMOS OF THE REPUBLIC OF THE PHILIPPINES**

**HON. ROBERT A. UNDERWOOD**
**OF GUAM**

**IN THE HOUSE OF REPRESENTATIVES**

Wednesday, April 1, 1998

Mr. UNDERWOOD. Mr. Speaker, hailing from the congressional district geographically situated closest to the Republic of the Philippines, Guam and its people share deep cultural and historic ties with the Philippines. It is, therefore, with great anticipation and pleasure that I join Filipino communities all over the country in welcoming His Excellency, Fidel Valdez Ramos, the President of the Republic of the Philippines, to the United States as he visits our nation’s capital next week.

As with the island of Guam, the rest of the United States have for over a century shared historic, cultural, political ties with the Republic of the Philippines. President Ramos is the embodiment of these ties. He comes from very respected and prominent families in the Philippines. His Father Narciso Ramos was a lawyer, crusading journalist, and five-term member of the Philippine House of Representatives, who would later appointed Secretary of Foreign Affairs. His mother, Angela Valdez, was a suffragette and public school teacher.

Destined towards greatness, President Ramos exhibited dedication to excellence even in his formative years. He graduated valedictorian at the Lingayen Central School prior to being accepted to the University of the Philippines High School in Manila. In 1946, he was chosen to receive a Philippine government scholarship to attend the prestigious United States Military Academy at West Point, New York. As one of the top graduates of West Point’s Class of 1950, President Ramos was invited to join the Phi Kappa Phi Honor Society. Upon graduation in 1950, President Ramos’ desire to help rebuild his country from the ruins of World War II grew a master’s degree in civil engineering at the University of Illinois. He served alongside American servicemen as a Second Lieutenant in the Philippine Expeditionary Force during the Korean War and, later, as Chief of Staff of the Philippine Civil Action Team.

The culmination of his illustrious military career came when he was appointed Chief of the Armed Forces of the Philippines in 1986. True to his commitment to duty, honor, and country, he joined forces with former defense Minister Juan Ponce Enrile during the 1986 EDSA “People Power” Revolution, a coup d’état designed to restore democracy to the Philippine Republic. He was later appointed Secretary of National Defense under President Corazon Aquino and, in 1992, the people of the Philippines gave him the mandate to be their eleventh in a succession of Philippine presidents since the proclamation of the First Philippine Republic in 1898.

During his visit I am sure that President Ramos will take some time to focus upon an issue which has been of importance to him for some time now. While still a West Point Cadet in the 1950’s, President Ramos became interested in bells left by the Army 11th Infantry at F.E. Warren AFB, Wyoming, the Bells of Balangiga. These church bells were taken from a Catholic church in the Philippines by U.S. military forces in 1901. As Philippine Defense Secretary and later as President of the Philippine Republic, he repeatedly worked toward the return of these bells.

There was a time when officers at F.E. Warren wanted to get rid of the bells. The brass seemed to have no relevance for a modern missile base. Few people seemed to know or care about these bells—that is until the Filipinos requested their return.

Vocal opposition from a number ofCheyenne residents has prevented any progress on this issue. The bells are currently part of a monument which supposedly memorializes American soldiers who died in Balangiga, a small town in Central Philippines. However,
our failure to resolve this matter is slowly transforming this monument into a symbol of inflexibility and false pride.

On November 7, 1997, I introduced H. Res. 312 to remedy the situation. Along with members of the Wyoming State Legislature and Philippine Ambassador Raul Chaves Rabe, I proposed that the Capitol grounds, wherein this solitary and isolated memorial will be converted into fitting monuments located on both sides of the world dedicated to the peace, friendship and cooperation that have existed between the United States and the Filipino people. This compromise, in the United States and the Republic of the Philippines to share the bells. The bells will be recast and duplicates made. The United States and the Philippines will each keep an original and a duplicate. The Philippine government has even expressed willingness to absorb the costs involved. H. Res. 312 would facilitate this proposal, which I hope my colleagues will take the time to reconsider.

As we welcome President Fidel Ramos to our country, let us honor this man whose career and accomplishments has been a manifestation of Philippine-American friendship and cooperation through the years. Let us not dwell upon long forgotten conflicts and altercations. Instead, let us move forward and, as we have always done in the past, work together in the promotion of our mutual goals.

KING ON THE HILL
HON. BOB SCHAFFER
OF COLORADO
IN THE HOUSE OF REPRESENTATIVES
Wednesday, April 1, 1998

Mr. BOB SCHAFFER of Colorado. Mr. Speaker, I rise today to tell the House a story about one of my most accomplished constituents from Colorado. Thirteen year old Kyle King of Limon, Colorado stopped by our Congressional office in Washington, D.C. last week. It was my last appointment before returning home to Colorado for a few days of town meetings across the eastern plains.

Kyle was accompanied by his parents Deb and Greg. Limon Jr. Highschool recessed for spring break giving Kyle and his folks a perfect chance to visit the nation’s capital.

By the time we met up, the Kings had already seen the most prominent sites, shrines and monuments to our country’s history. But the real reason they came to Washington was to see Kyle’s big sister Amanda.

Amanda’s been in Washington now for nine months. She’s six years old, has never before been so far away from home, and she’s certainly never been away for such a long time.

A couple years back, Amanda made up her mind that she wanted to be a Congressional Page—not an ordinary sort of ambition, especially for a youngster growing up on the high plains. But to Deb and Greg, Amanda has never been anything short of extraordinary. They encouraged her to apply.

The Page Program is extremely competitive. Several thousand high schoolers from across America apply for the honor of serving on the floor of the United States House of Representatives.

The first requirement for consideration is to secure sponsorship by a Member of Congress. I receive dozens of applications per year out of Colorado’s Fourth Congressional District. For the full-time position, I may sponsor only one, which only means the applicant I choose will then be considered by the Speaker of the House.

Since time away from home entails a disrupted academic calendar, only the best and brightest are accepted. Successful applicants enter an alternative education program built around a busy and unpredictable work schedule. Pages are housed in college-style dormitories one block from the Capitol building.

There are 435 Members of Congress. This year, only 66 Pages were selected.

Being a new Member of Congress, I was told any applicant from my district was a long shot. I lobbied hard for Amanda King anyway, betting the strength of her resume would compensate for my lack of seniority.

Naturally, I was as excited as Amanda upon receiving the news she had been accepted into the Page Program. Amanda is too modest about the significance and importance of her position. It’s much more than a nice recognition for a country girl done well.

She is an ambassador for Colorado and specifically for the City of Limon. It’s a role she fulfills exceptionally well. Her peers joke that they can’t get her to stop talking about life out West.

A few months back, I visited Limon Elementary School to talk to students about my job as a Congressman. My presentation covered the usual topics of taxes, education, agriculture and so on. But the first question from Principal Valerie Bass was, “Amanda, do you get to see Amanda King? How’s she doing?”

Similarly, last month, I spoke at a dinner in Hugo, Colorado, commemorating Abraham Lincoln’s birthday. Again, the people in the hall asked for an update on Amanda. I was proud to provide it.

Amanda is clearly one of the House’s favorite Pages. She’s one of the most reliable. In addition to fetching documents, and relaying messages, Pages make the actual floor work run smoothly. They greet many of the tourists who visit the Capitol, and they must know the intricacies of House procedures in order to do their jobs. Amanda knows the process better than most senior Members.

During moments of down time, I sometimes rehearse portions of my speeches before walking onto the floor and I seek out Amanda for her opinion. Her advice has always been useful and I’m convinced that her grammatical suggestions have made me more persuasive.

Most of all, Amanda’s enthusiasm for America is infectious. She is optimistic about the nation’s future and she’s always having fun at it. I’ve spoken with her about her personal goals and dreams, and I know she views herself within a patriotic context.

Last week’s meeting in the office with the King family was one of the most inspiring I’ve had so far as a Congressman. It shifted my perspective significantly. Usually I think my success in Congress is measured by my effectiveness with legislation and budgeting the public’s funds. And although I’m encouraged to have accomplished more than most of my colleagues on behalf of the people I represent, it became even more clear that one of the most rewarding things I’ve been able to do is sponsor Amanda King as a Congressional Page.

The eyes of Amanda’s parents revealed the love and affection they hold for her. Though they miss her terribly they are thrilled by her accomplishments. Furthermore, their time on Capitol Hill with their daughter confirmed she’s doing quite well.

Kyle learned much watching his sister serve her country. Deb’s and Greg’s pride is certainly well placed.

RECOGNIZING THE 1998 UNIVERSITY OF ILLINOIS MEN’S BASKETBALL TEAM
HON. THOMAS W. EWING
OF ILLINOIS
IN THE HOUSE OF REPRESENTATIVES
Wednesday, April 1, 1998

Mr. EWING. Mr. Speaker, I rise today to recognize the outstanding achievements of the 1998 University of Illinois men’s basketball team. Under the stewardship of Coach Lon Kruger, a team that was predicted to finish in the middle of the Big Ten in the most optimistic pre-season polls, the Illini men finished the season tied for the best record in the Big Ten. The sportswriters said that they didn’t have any big name stars to lead them much further than mediocrity. What the sportswriters failed to understand was the determination and heart that this team would display throughout the season. Coach Kruger never doubted his team and his players never doubted themselves or their ability to compete against other Big Ten schools. The Illini had a precious commodity that many other schools lacked: Senior Leadership. Led by a group of Seniors that I have had the opportunity to watch evolve from wide-eyed freshman to steady veterans, the Illini shocked the Big Ten. Senior Kevin Turner exemplifies that evolution, as he led the Illini in scoring and was named to the All-Big Ten Conference team.

As you know, the Illini men raced through the regular season unscathed and finished the season tied for the best record in the Big Ten. The Illini were ranked number one in the nation for the first time in school history. The Illini men enjoyed the best season in school history.

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INTRODUCTION OF THE “SOCIAL SECURITY SUNSHINE ACT OF 1988”
HON. JENNIFER DUNN
OF WASHINGTON
IN THE HOUSE OF REPRESENTATIVES
Wednesday, April 1, 1998

Ms. DUNN. Mr. Speaker, without question the national dialogue to save social security is

SECURITY SUNSHINE ACT OF 1988”
INTRODUCTION OF THE “SOCIAL
OF WASHINGTON
IN THE HOUSE OF REPRESENTATIVES
Wednesday, April 1, 1998

Ms. DUNN. Mr. Speaker, without question the national dialogue to save social security is
under way. But what good is a national dia-
logue if the participants do not have all the in-
formation they need to participate in an in-
formed and meaningful debate? Today I am
offering legislation to help foster a genuine
dialogue about Social Security. As we thought-
fully look at ways of personalizing and mod-
ernizing the system, we need to en-
sure that the discussion is a careful one, and
we need to include those most affected by the
program—current beneficiaries. My legislation
will help educate seniors about their status in
the current system by providing them informa-
tion about their benefits. As the Ways and
Means Committee today holds a hearing on
a proposal to conduct a National Dialogue
on Social Security in 1998, my legislation is
designed to build on this idea by helping
Americans understand the problem this sys-
tem faces and design a long-range program to
modernize Social Security.

This legislation is a sunshine bill, much like
my pilot program enacted into law in the 104th
Congress. It is designed to assist seniors bet-
ter understand their contributions and benefits
under the social security system. Beginning
January 1, 1999, beneficiaries of Social Secu-
ritY will receive two annual statements detail-
ing: (1) the total wages and self-employment
income the individual has earned; (2) the total
contributions of the employer, employee, and self-employment from wages; (3) the total
amount paid to the individual as benefits, and;
(4) an explanation of the statement in easily
understood terms.

Numerous seniors in my district find it ironic
that other retirement benefit programs like mu-
ual funds, IRAs and the like, provide this type of
information, in writing, on a quarterly basis—and many provide participants direct
24-hour access by telephone. My bill would re-
quire that the Social Security Administration
provide reasonable information in a reason-
able timeframe.

As we know, Social Security is an unfunded
pay-as-you-go system. Today’s benefits to the
elderly are paid by today’s taxes from the
young. Recently, the government’s own actu-
aries reported that Social Security’s Old-Age
and Survivors Insurance and Disability Trust
Funds will go broke in 2030. By that time, pay-
roll taxes on fewer than two workers will sup-
port each retiree, a sharp decline from 1980
when the ratio was 3.5 to 1—and an even fur-
ther decline from 1950 when the ratio was 16
to 1. This will occur as a result of demo-
graphic factors in the system and is not the
fault of seniors.

Short-term fixes of the past to increase rev-
ene or reduce benefits will be unsuccessful
in postponing insolvency. Furthermore, the So-
cial Security Administration’s own pension spec-
estimates indicate that by 2040 a combined
employer-employee payroll tax of 40 percent
could be required to pay benefits. Raising the
already burdensome payroll tax for the 18th
time in the history of the program is simply not
an option.

Unfortunately, many seniors, including my
own mother, are not aware of the state of the
system or the impending crisis. The lack of in-
formation provided to them and every other
senior is simply unacceptable. Seniors across
the country have a desire—indeed, a right—to
know about the current benefits. As the Ways
and Means Committee today holds a hearing on
the Social Security system. My bill would guar-
antee seniors access to this important infor-
mation and include them in our national dia-
logue. I urge my colleagues to support this im-
portant legislation.

IN HONOR OF IRENE SILLIMAN
HON. DENNIS J. KUCINICH
OF OHIO

STEVE C. LATOURRETTE
OF OHIO

IN THE HOUSE OF REPRESENTATIVES
Wednesday, April 1, 1998

Mr. KUCINICH. Mr. Speaker, my colleague
Mr. LATOURRETTE, and I rise today to honor a
woman who is truly dedicated to our nation’s
troops, Irene Silliman. Mrs. Silliman is a har-
binger of goodwill and warmth to the United
States Navy, providing them with slippers to
keep them warm on the decks of their cold
ships.

A 72-year-old grandmother from Madison,
OH, Irene Silliman started what has turned in
to a national project by providing hand-knit-
ted, slipper socks to sailors on her grandson’s ves-
sel. After receiving a letter from her grandson
requesting a pair of the socks, Silliman deter-
mined that she would make extra pairs for his
shipmates. She organized a group of friends
and began a phenomenon called “Operation
Toasty Toes” that has engulfed the senior popula-
ton of Northeast Ohio.

After receiving several calls from interested
volunteers, Silliman spearheaded an effort to
make these Toasty Toes slipper socks for the
entire crew of the USS C. Turner Joy, the de-
stroyer on which her grandson is stationed.
National newspapers have picked up the story
and a multitude of citizens nationwide are now
everlessly working on new pairs of slippers to
send to the troops.

Irene Silliman is truly devoted to her country
and the well-being of our servicemen and
women. Her selfless effort to organize a crus-
ade to provide warmth and comfort to our
soldiers is truly a testament of her patriotic
spirit. Mrs. Silliman wished to show our Amer-
ican troops that she and others cared about them and were through their efforts, this has been
accomplished.

My fellow colleagues, join me in saluting a
true patriot whose selfless devotion to our
American troops is evident through her efforts,
Irene Silliman.

SALUTING CEASAR CHAVEZ
HON. KAREN MCCARTHY
OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES
Wednesday, April 1, 1998

Ms. MCCARTHY of Missouri. Mr. Speaker, it is
my honor today to rise and salute one of
the most inspirational leaders of our country
Ceasar Chavez. Ceaser Chavez was a very charismatic
leader, who headed a movement that used
only nonviolent tactics. Ceasar Chavez used
strikes and boycotts as leverage in applying
economic pressure on the employers to settle
wage disputes and improve the work environ-
ment.

Ceasar Chavez was a visionary who built
consensus. He realized that the existence of
oppression towards any group of people was
wrong, so he joined the fight to help further
the cause for Filipino farm workers. In 1965,
during the Grape Boycotts, Filipino and Mexi-
can workers united and protested the low
wages and poor working conditions. In 1970
this remarkable effort resulted in an amicable
resolution. For nearly a decade like many of
my generation, I refused to consume grapes
to show solidarity.

Muchas gracias otra vez por permitirme
este oportunidad compartir mi sentimiento
sobre un gran héro Americano, Ceasar
Chevez.

Mr. Speaker, I salute and applaud the ef-
forts of Ceasar Chavez and the community
leaders in my Congressional District who have
the vision to ensure that his memory and
actions will permanently be remembered for fu-
ture generations, not only through the dedica-
tion of Avenida Ceasar Chavez, but by the
historical translation passed on from genera-
tion to generation.

IN RECOGNITION OF CARIBBEAN
THEATRE WEEK APRIL 5-12, 1998
HON. MAJOR R. OWENS
OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES
Wednesday, April 1, 1998

Mr. OWENS. Mr. Speaker, I rise today to
honor the inaugural celebration of Caribbean
Theatre Week. This unique week was made
possible through the diligent efforts of persons
at the Daily Challenge, and WLIR Radio, spe-
cial community leaders and performers who
have tirelessly committed themselves to devel-
oping events that celebrate the entire spec-
trum of Caribbean creativity. Caribbean Thea-
tre Week, which will be held in New York on
April 5-12, 1998, is a magnificent forum for
presenting the significant artistic contributions
made by Caribbean performers.

In reviewing the history of the Caribbean,
one can ascertain the importance of theatrical
production in the Caribbean region. The ad-
vent of the Caribbean theatre contributed to
the increase in national independence in the
Caribbean islands. The theatre often served
as a powerful tool for political communication
that both defined and reflected the island’s
culture and identity.

Caribbean Theatre Week is the brainchild of
Mr. Dawad Philip, a poet, artist, and editor of
Today as we take for granted the availability of helicopters for military and civilian use, Commander Hoover ranks among the pioneers of aviation as one of America’s very first helicopter pilots.

Second, Commander Hoover was responsible for bringing the Martin Baker Ejection Seat from Great Britain into the United States. On my 300th air mission in Vietnam, May 10, 1972, my RIO Bill Driscoll and I rode the descendants of the Martin Baker seat to safety upon the explosion of my F-4 Phantom. Thanks to Commander Hoover, the availability of the seat, and the improvements he and others made to it, ensured that a pilot could eject safely from a disabled airplane, even from an altitude of zero, on the carrier deck.

No remarks I make can possibly pay appropriate tribute to Commander Hoover’s remarkable career. It should be noted that in 1999, Commander Hoover will be nominated for induction into the National Museum of Naval Aviation “Hall of Honor” at Naval Air Station Pensacola, Florida—the cradle of all Navy, Marine Corps and Coast Guard aviators, and the place where much of his many accomplishments can be kept.

His memory will also be kept by his widow, Lona, and his two children. The life of a Navy wife is hard. Her husband is sent on deployments for months at a time. For the decades that Commander Hoover served his country in the Navy, I want it to be recognized that his wife Lona served America and the cause of freedom with vigor and distinction just the same.

Let the permanent RECORD of the Congress of the United States represent tribute to Commander George W. Hoover, and to his widow Lona and his family. God bless them for their service to America and to one another.

PERSONAL EXPLANATION

HON. FRANK RIGGS
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, April 1, 1998

Mr. RIGGS. Mr. Speaker, on Monday, March 30th, Tuesday, March 31st, and early Wednesday, April 1st, I was unable to be present in Washington, D.C. due to other business of a personal and family nature and therefore missed several recorded votes in the House. If I had been present, I would have voted:

“No” on rollcall number 81: passage of H.R. 3581, the Campaign Reform and Election Integrity Act.

“Aye” on rollcall number 82: passage of H.R. 34, the Illegal Foreign Contributions Act.

“Aye” on rollcall number 83: passage of H.R. 2608, the Paycheck Protection Act.

“Aye” on rollcall number 84: passage of H.R. 3582, the Campaign Reporting and Disclosure Act.

“Aye” on rollcall number 85: providing for consideration of H.R. 3579, the FY 98 Emergency Supplemental Appropriations Act.

“No” on rollcall number 86: motion on order of business.

“No” on rollcall number 87: passage of H.R. 2400, BESTEA.

“Aye” on rollcall number 88: final passage of H.R. 2400, BESTEA.

“Aye” on rollcall number 89: providing for an adjournment of the two Houses. I ask that this be recorded in the appropriate place in the RECORD.

COMPREHENSIVE COAL ACT REFORM ACT (H.R. 2231)

HON. EARL POMEROY
OF NORTH DAKOTA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, April 1, 1998

Mr. POMEROY. Mr. Speaker, I rise today to add my name as a cosponsor of the Comprehensive Coal Reform Act Reform Act (H.R. 2231), a bipartisan bill introduced by Representative DEBORAH PRYCE (R-OH) on July 27, 1997.

This bill seeks to address certain inequities created by the reachback tax provisions of the Coal Industry Health Act of 1992 (the Coal Act) while protecting the health benefits of retired mine workers. Under the Coal Act, former employers of retired coal miners are required to pay assessments to a Combined Fund to finance retiree benefits. I believe it is appropriate for former employers to bear this financial responsibility. In some cases, the reachback tax is applied unfairly, requiring employers with limited liability to pay large assessments while employers with significant liability pay a lower assessment.

H.R. 2231 attempts to correct these inequities while ensuring that the Combined Fund has adequate resources to pay retiree benefits. The language of H.R. 2231 may or may not be the perfect means to achieve these goals. However, I believe that the bill represents an honest attempt to reach a compromise on this important issue.

THE MEDIAID CHILD ELIGIBILITY IMPROVEMENT ACT OF 1998

HON. KEN BENSTEN
OF TEXAS
IN THE HOUSE OF REPRESENTATIVES
Wednesday, April 1, 1998

Mr. BENSTEN. Mr. Speaker, I rise today to introduce legislation, the Medicaid Child Eligibility Improvement Act of 1998, to help more children obtain the health care they need through Medicaid. There are currently three million children in our nation who are eligible for Medicaid but are not receiving the care they need because they are not enrolled in the program.

This legislation would allow public schools, child care resource and referral centers, Children’s Health Insurance Program (CHIP) workers, and child support agencies to make the preliminary decision that a child is eligible to enroll in Medicaid so that they can receive coverage while waiting for a full Medicaid eligibility determination. Schools and these other agencies are on the front lines of caring for children and can help to educate their families and enroll them in Medicaid.

Under the Balanced Budget Act enacted last year, States received a new option under Medicaid to grant “presumptive eligibility” to certain children on a temporary basis as their
Medicaid eligibility is determined. My legislation would expand this presumptive eligibility option to make it more flexible and attractive to the States. The presumptive eligibility period is normally sixty days and gives States sufficient time to complete the Medicaid eligibility determination process. If a State ultimately determines that the child is not eligible for Medicaid, none of these entities would be penalized or lose funding due to a negative determination. Under this legislation, we would be enrolling children on an expedited basis and could reach some of those three million children who are eligible but not enrolled.

While some would argue that there will always be a cost associated with increasing participation in the Medicaid program, it is important to remember that when Congress enacted Medicaid, it assumed that these children would be covered. I would argue that adding these children is not only morally right, but also cost-effective in comparison to letting these children receive health care on an ad hoc basis. Many of these children will simply go to hospital emergency rooms for treatment and will not be able to pay for these services. In the end, we will pay the cost. With Medicaid coverage, our public institutions will be reimbursed and these children will receive better care through primary care providers instead of high-cost, emergency-care based services.

This legislation is also fiscally responsible in that it would require a state to deduct from their state allotment any funding used for this program. I believe that the small cost associated with this outreach effort will not adversely impact States' ability to provide health care for low-income children and in fact could reduce the States’ disproportionate share expenditures.

We know that these children are not being properly served now and we must find innovative ways to ensure that all eligible children are enrolled in Medicaid. My legislation would simply accelerate the application process while maintaining sufficient safeguards to prevent fraud and abuse. My legislation would give States greater flexibility to determine which entities can make these determinations, and States are authorized to apply certain limitations or procedures to fraud and abuse. My legislation would also permit the Secretary of the Health and Human Services to review States’ decisions and ensure that the appropriate entities are allowed to enroll these children. None of these entities could immediately offer these services until their state and the federal government has deemed them eligible to undertake preliminary determinations.

I believe this is an important public policy matter which we need to address. My legislation would enroll more children in Medicaid while ensuring that appropriate entities are reviewing the applications. I believe it is more cost-effective to enroll these children and ensure that they are receiving the primary care services they need, rather than sending these children to emergency rooms where they will be sicker and taxpayers will end up paying more. I also believe that we need to improve our current presumptive eligibility procedures by including these new entities which were not included in the Balanced Budget Act. I strongly urge my colleagues to support this critical legislation.
DEFENSE OF IWO JIMA GAINS UNEXPECTED SUPPORT

HON. GERALD B.H. SOLOMON
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Wednesday, April 1, 1998

Mr. SOLOMON. Mr. Speaker, an article in today's Saratogian, a newspaper that reaches some of my constituents in Saratoga County, New York, eloquently expressed the intense pride of courageous veterans, who put their lives in harm's way for the great nation and all it stands for, have for the Iwo Jima Memorial. That monument has come to represent so much to so many people around this country and the world, and in many ways is one of the most famous monuments in our history. This article's author, David Rossie, has repeatedly made disparaging remarks about me. Yet, even he, who is embarrassed to agree with me, has endorsed my attempts to defend the importance and significance of the Iwo Jima Memorial. This just demonstrates how offensive J. Carter Brown has been to every American across the political spectrum.

[From the Saratogian, Apr. 1, 1998]
ARTS COMMISSION LEADER SHOWS ELITISM WITH 'KITSCH' REMARK
(By David Rossie)

I have never met J. Carter Brown, chairman of the U.S. Commission of the Fine Arts. On paper and I never will. Probably just as well. For openers, I'm a bit leery of people who insist on being referred to by their first initial and middle name. They tend to be a bit pretentious. But the main reason I detest J. Carter Brown, sight unseen, is that he has put me somewhere I don't want to be—for the side of Rep. Gerald Solomon, (R—N.Y.)

Solomon is an East Coast version of Bob Dornan, a Republican clown who was ousted from the House in 1996. Solomon is an embarrassment in a legislative body that is virtually embarrassment proof. But now, thanks to J. Carter, I find myself muttering, "Get on, Gerald." Solomon wants J. Carter booted from the Art Commission because of disparaging remarks he made about the Iwo Jima Memorial in Arlington, Va. The monument is a sculpted bronze reproduction of Rosenthal's, a photographer of Marines raising the U.S. flag atop Iwo Jima's Mt. Suribachi on Feb. 23, 1945.

J. Carter thinks the memorial is, to use the term attributed to him by the New York Times Press, "kitsch." My dictionary describes kitsch as "artistic material of low quality" meant "to appeal to popular taste and marked by sentimentality, sensibility and sissiness." J. Carter, former director of the National Gallery of Art, didn't say why he thinks the Iwo Jima memorial is kitsch.

A little background: On the morning of Feb. 23, 1945, Lt. Harold Schrier, 1st Battalion, 28th Marines, led a platoon to the crater atop Suribachi where the Marines raised a small flag that Schrier's battalion commander, Lt. Col. Chandler Johnson had given him hours earlier. The flag, attached to a piece of metal pipe, went up about 10:30 a.m. Sgt. Lowery, Marine photographer, captured the moment on film. The ceremony, such as it was, was interrupted by a small group of Japanese defenders, who began throwing grenades from a nearby cave. Perhaps they were art critics, with an aversion to kitsch. Who knows? In any event, Lowery was knocked about 30 feet down the side of the crater, but was unhurt, his camera was broken. Three hours later, the first flag was replaced by a larger one brought from a ship lying offshore. This time the raising was captured on film by Rosenthal, an AP photographer.

The guest here is that when Rosenthal's photo of the flag raising made it into newspapers in the United States, people found it inspiring. I suspect they saw the picture as a metaphor for the unconquerable spirit of the young men fighting in the Pacific. Fighting and dying. Two of the Marines who first raised the flag on the island was killed a mere more than a month after the picture was taken. So, too, did Col. J. ohnson. When the fighting ended on Iwo Jima near the end of March, more than 6,800 members of the invading force were dead or missing and 38,000 had been wounded.

Twenty-six Marines were awarded the Medal of Honor. Pacific Fleet Commander Adm. Chester Nimitz said after the battle: "Among the Americans who served on Iwo Island, uncommon valor was a common virtue." But then Nimitz was just an old sentimentalist. What J. Carter doesn't seem to understand is that the Iwo Jima memorial isn't just about Iwo Jima. It is a memorial to every Marine, living and dead, who fought on all those islands in the Pacific against an enemy who seldom surrendered and was fanatical in his bravery.

Mrs. McCARTHY of New York. Mr. Speaker, I rise today in support of Alcohol Awareness Month and Take a Step Day, a nationwide campaign developed by the National Council on Alcoholism and Drug Dependence. The campaign focuses public awareness on the widespread effects and damage associated with alcohol problems. It heightens the awareness of community residents and students in our schools about the monumental risks and consequences of alcohol abuse and misuse.

In my district on Long Island, this important campaign is sponsored by the Long Island Council on Alcohol and Drug Dependence. Unfortunately, this type of awareness is all too necessary. Alcohol is the third leading cause of preventable death in our nation, killing nearly 100,000 Americans every year. 13.8 million Americans suffer from alcohol-related problems, including 8.1 million alcoholics. Over the past year, more than 3 million Americans have been exposed to alcoholism in their families and 13 million Americans drink heavily, which means they consume five or more drinks at a time on five or more days a month. These heavy drinkers are five times more likely to use illicit drugs and are more likely to require extensive medical care. Of all Americans admitted to general hospitals have alcohol problems or are undiagnosed alcoholics who are treated for the consequences of their drinking. Alcoholism and alcohol-related problems cost the American economy at least $100 million health care and lost productivity every year.

During April, alcohol awareness month, I call upon my colleagues in Congress, along with all citizens, parents, governmental agencies, public and private institutions, businesses, hospitals and schools to join me in fighting America's number-one drug problem by pledging to support research, education, housing, intervention and treatment for alcoholism and alcohol-related problems.

HON. ROBERT C. SCOTT
OF VIRGINIA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, April 1, 1998

Mr. SCOTT. Mr. Speaker, I rise today to speak in honor of the contributions of a distinguished American citizen, Dr. James Leonard Farmer.
As we pay homage to our forbears for their courage, wisdom, perseverance and overall contributions to America, I'd like to formally salute Dr. Farmer for his efforts as a Civil Rights Activist. He has been instrumental in the struggle to remove legal, social, and political barriers to impede the progress of African-Americans.

James Leonard Farmer was born in Marshall, Texas, on January 12, 1920, the son of a scholar, grandson of a slave, and one of three children. As the son of a faculty member of various black colleges, the young James Farmer led a somewhat sheltered life. But as the old adage reminds us “to whom much is given, much is expected”. Dr. Farmer has not only lived up to, but has exceeded, anyone anyone had a right to expect of him.

The young James Farmer attended public schools in the south. He earned his B.A. degree in chemistry from Wiley College at the age of 18 and obtained a divinity degree from Howard University, graduating in 1941. Dr. Farmer refused ordination because of the segregation then practiced by the Methodist Church. Instead of entering the ministry, he turned his energies to social action, with the goal of destroying segregation. In 1942, along with a group of students at the University of Chicago, he organized the first chapter of the Congress Of Racial Equality (CORE). The inter-racial organization’s purpose was to apply a direct challenge to American racism by using Grandhian tactics of non-violence.

Dr. Farmer also organized the first Civil Rights sit-in in American history at a Chicago donut shop called Jack Spratt’s in May of 1942. As a someone who grew up in segregated Virginia, I am particularly thankful for Dr. Farmer’s organization of the “Pilgrimage of Ponce de Leon” which has been credited with a significant role in bringing about the weakening of Virginia’s “massive resistance” program.

By 1961 Dr. Farmer was the National Director of CORE. During this crucial time in our history, CORE received national exposure by organizing the “Freedom Ride.” The “Freedom Ride” was a bus trip through the deep south designed to desegregate interstate buses and terminals. Despite countless arrests and other harassments, the “Freedom Riders” preserved in their efforts and were eventually successful in the desegregation of 120 interstate bus terminals in the south.

Since 1965, Dr. Farmer has been teaching Civil Rights at Mary Washington College in Fredericksburg, as the Distinguished Professor of History and American Studies. He continues to do so at the age of 78.

On Jan 15, 1998, Dr. Farmer was bestowed the country’s highest civilian honor by President Clinton, the Presidential Medal of Freedom. I can think of no individual more deserving of such an honor.

Frederick Douglass once said “Men may not get all they pay for in this World, but they must certainly pay for all they get.” Mr. Speaker, Dr. Farmer may not have gotten all that he paid for, but with the life of service and commitment he has given us, I have no doubt that he has paid for all that he has gotten.

Thank you, Dr. James Leonard Farmer, for all that you have given us.

The 20th Anniversary of the Return of the Hungarian Crown—Replica is Presented as a Symbol of the Close Ties Between the United States and Hungary

HON. TOM LANTOS OF CALIFORNIA IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 1, 1998

Mr. LANTOS. Mr. Speaker, on March 18 in Statuary Hall of the United States Capitol, just a few steps from the Chamber of the House, the President of the Republic of Hungary, His Excellency Árpád Göncz, was joined by a number of our distinguished colleagues from both the House and the Senate and by a distinguished group of current and former Administration officials, members of the diplomatic corps and a large number of other Hungarians and Americans in celebrating the 20th anniversary of the return to the people of Hungary of the Holy Crown of Hungary, the Crown of St. Stephen.

It is one of the significant and curious aspects of the nearly one thousand year history of the Hungarian Crown that, for a third of a century, the United States government was custodian of this most important symbol of the Hungarian nation. In 1945 the troops guarding the Crown handed it over to United States Army troops in Germany to prevent its falling into the hands of the Soviet military. First in Germany and later at Fort Knox, Kentucky, the United States safeguarded this Hungarian treasure for 33 years. It was clearly the intention of American officials to return the Crown to the Hungarian people, but the communist coup d’etat in 1947 and the unsuccessful Hungarian revolution of 1956 prevented that from happening.

By the late 1970s, Hungary had shown its independence from the Soviet Union in a bold and clear way. In 1978 in a courageous decision, President Jimmy Carter, with the strong concurrence of Secretary of State Cyrus Vance and National Security Advisor Zbigniew Brzezinski, decided to return the Hungarian Crown to the people of Hungary. The Crown was a powerful symbol of Hungary’s links with the West and a potent emblem of Hungarian national identity. The decision to return the crown was based on the desire to encourage the reality of both of those elements.

The rightness of the decision to return the Crown has unquestionably been confirmed by events since 1978. Hungary was instrumental in the opening of the Iron Curtain. In the fall of 1989, thousands of East German citizens were camped on Hungary’s border with Austria seeking to leave the East Bloc and flee to the West. At that critical moment, the Hungarian government made the fateful decision to open its borders, and thousands of East Germans fled to West Germany and to freedom and opportunity. That was a dramatic and fateful decision which hastened and precipitated the fall of the Berlin Wall.

Since 1978, our relationship with Hungary has progressed from being members of opposing alliances to partners and now to being full allies. Today, Mr. Speaker, Hungary stands at the door of NATO. It was symbolically significant that on the day before our ceremony in Statuary Hall, the Senate began debate on the admission to NATO of Hungary, Poland, and the Czech Republic.

Recognition of the significance of the return of the Crown twenty years ago and as a symbol of the friendship of the Hungarian and American peoples, the Hungarian government has presented to the American people a magnificent replica of the Hungarian Crown. That replica was presented to the American people at the conclusion of the ceremony in Statuary Hall in the Capitol, and the Members of Congress who were present symbolically accepted it on behalf of the American people.

Appropriately, the replica of the Crown was taken to the Jimmy Carter Presidential Library in Atlanta later that same day, where it was placed on permanent display. It is most appropriate that the replica of the Crown is housed there, since President Carter made the courageous decision to return the Crown to Hungary two decades ago.

Mr. Speaker, this Crown has a long and important legacy that is highly significant to the history of Hungary. In 896 the seven Hungarian tribes crossed the Carpathian Mountains and occupied the Hungarian plain. In the year 1001, Stephen was crowned King of Hungarians with a crown given him by Pope Sylvester II. That moment signified Hungary’s decision to be an integral part of western culture and civilization, and throughout the entire past millennium this hope and dream and struggle of the Hungarian people was frustrated every step of the way— in the 13th century by the invasion of the Tartars, in the 16th century by the invasions of the Turks, in the middle of the 19th century by the forces of the Tsar putting down Hungary’s freedom revolution, and, of course, in recent times by Soviet domination.

For Hungarians this is a historic moment when we celebrate the friendship of the United States and the Republic of Hungary, and when the Hungarian people thank the American people for giving them in perpetuity this replica of the crown which symbolizes for Hungarians all that is good and decent and civilized, the Hungarian government has presented to the American people a magnificent replica of the Hungarian Crown. That replica was presented to the American people a magnificent replica of the Hungarian Crown. That replica was presented to the American people a magnificent replica of the Hungarian Crown. That replica was presented to the American people a magnificent replica of the Hungarian Crown. That replica was presented to the American people a magnificent replica of the Hungarian Crown. That replica was presented to the American people a magnificent replica of the Hungarian Crown.
In 1978, Hungary was ruled by communists. Today it is a vibrant democracy. In 1978, Hungary was a member of the Warsaw Pact. Today, I am happy to report that in the next few days I will almost certainly ratify the Protocols of Accession of Hungary, Poland and the Czech Republic to NATO. And today, as a gesture of hope for Hungary's future, the Houston Symphony Orchestra will perform a replica of the Crown of St. Stephen to the American people.

It is fitting and proper that following today's ceremony, the replica will be taken to Atlanta, presented to President Carter, and then will be housed permanently at the Carter Presidential Library and Museum.

Not often can we celebrate an event with such unambiguous joy. I am delighted to be a part of today's ceremony, and, Mr. President, I wish Hungary continued prosperity and success.

REMARKS OF HON. LEE H. HAMILTON, MEMBER OF CONGRESS

Mr. HAMILTON. I am pleased to attend this celebration of the 20th anniversary of the return of the Crown of St. Stephen to the Hungarian people by the United States government on January 6, 1978. President Jimmy Carter had welcomed you to the United States Congress, Secretary of State Cyrus Vance, we welcome you back to these halls. You have performed exemplary service to the nation and your strong leadership. I would also be remiss if I did not acknowledge the presidency of Mr. Lavrentiy Brezhnev, which was not available in writing are not included in this statement.

REMARKS OF HON. GORDON SMITH, UNITED STATES SENATE

Senator SMITH. Congressman Lantos, thank you for organizing this event honoring the 20th anniversary of the return of the Hungarian Crown by the United States. The Crown of St. Stephen is a powerful symbol for the Hungarian Nation. Legend has it that the crown that Stephen used in his coronation in 1001, it was last used by the Hapsburg King Franz Joseph II in the 19th century, and by his successor Karl IV early in the 20th century.

Now twenty years later, the symbol of Hungary's strong links with the West and its leadership. I would also be remiss if I did not acknowledge the presidency of Mr. Lavrentiy Brezhnev, which was not available in writing are not included in this statement.

REMARKS OF HON. JOSEPH R. BIDEN, J.R.

Senator BIDEN. It is a great honor and pleasure for me to be with you today as a co-sponsor of this remarkable event.

Twenty years ago the Government of the United States, under the wise leadership of President Carter and Secretary Vance made the courageous decision to return the Crown of St. Stephen, the first Christian King of Hungary and his people. We commemorate that event today—and what a difference twenty years makes.

The presentation of this replica of the Crown to the American people should also be seen as a cornerstone of the relationship between the United States and Hungary, and its people. But I believe as well that the American people will appreciate this gift from the Hungarian people.

As I understand it, the Crown of St. Stephen is no longer used in the coronation of Kings of Hungary. It stands instead as a symbol of Hungary and its one-thousand-year history. I hope that the Crown of St. Stephen will serve as well, from this time forward, as a sign of Hungary's return to the true heritage of Europe to democracy, to peace, and to prosperity.

The presentation of this replica of the Crown of St. Stephen to the American people should also be seen as a cornerstone of the relationship between the United States and Hungary, and its people. But I believe as well that the American people will appreciate this gift from the Hungarian people.
The crown in an object. A revered and sacred object. But what more than any object has woven the fabric of relations between Hungarians and Americans, what has shaped the future of American Hungary, has been the unique contribution of Hungarian Americans to the development of the United States in every walk of life—in science, the arts, the military, music, journalism, politics and business. On a day like this, at an event like this, they should be recognized and honored.

Mr. LANTOS. Mr. Speaker, our concluding speaker on this occasion was His Excellency Árpád Göncz, President of the Republic of Hungary. He is one of the outstanding figures of post-communist Central Europe. President Göncz joined the resistance to communism during the 1956 Hungarian Revolution. He was arrested, sentenced, and sentenced to life in prison. He spent six years in prison but was released following an amnesty in 1963. During his time in prison, he taught himself English. After his release from prison, he became a translator and produced the definitive Hungarian translations of the works of a number of American authors, including Faulkner and Mark Twain. He is also a distinguished playwright, and has produced a number of profoundly original works of his own. In 1990, President Göncz was elected President of the Republic of Hungary, and in 1993 was re-elected for a two-year term. It was a special honor to have this distinguished leader here for our ceremony.

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through advocating our common interests we can effectively contribute to the spread of the values that have been proclaimed so many times by outstanding American politicians within the walls of this historic building.

In conclusion, please allow me to use this opportunity to gratefully thank the American people and their leaders for the strong support they have given to Hungary to achieve as much as possible under the present international circumstances. I am sure if we build upon the legacy of St. Stephen and Lajos Kossuth, Hungary can again achieve as much as possible under the framework provided by the charter of 1848.

Mr. RADANOVICH. Mr. Speaker, I rise today to pay tribute to Dumont Printing of Fresno, Harris Ranch-Sanger Branch, Westamerica Bank-Sanger Branch, Evangelical Free Church in Fresno, The Clovis Independent, David & Sons of Fresno, Giannini Packaging Corporation of Dinuba, Producers Dairy of Fresno, Costco Wholesale of Clovis, and the Claude Laval Corporation.

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time and talents to making this vision a reality. Each week, a guest reader volunteers one hour a day to read stories to the primary students. Classroom presentations have also been a strong contributor by the independent. Writers and advertisers provide “hands on” newspaper articles, illustrating the job responsibilities of the independent. Students are taught to see the correlation between mathematical application and advertising sizing and pricing. The Clovis Independent promotes student recognition by printing students of the month, honor students, those receiving special awards and special interest stories.

The David & Sons-Viking Elementary School partnership is another excellent example of the impact individual employees have on students. Employees participate in field trips, student of the month activities, classroom tutoring and a number of other activities that result in one-on-one contact with kids. As a business, David & Sons is also an important player in the Viking Pen Pal Program. The kids love the letters they receive from the employees. In addition to extensive involvement from employees, David & Sons also contributes financially to after school activities that touch the families as well as the children.

Ericson Elementary School of Fresno is in its second year of an exciting partnership with the Claude Laval Corporation. The primary goal of Claude Laval is to expose children to an array of career possibilities. Division heads from the Claude Laval Corporation do classroom presentations which often include hands on demonstrations. These department heads talk to kids not only about the intricacies of the industry, but also about the importance of work ethics, goal setting, and life long learning, perhaps the most innovative aspect of this process is the interview/resume process. Each student who completes the packet goes to a mock interview, and as a culminating activity, four students are selected to attend a Claude Laval Leadership Training Program which includes a factory tour and lunch with Claude Laval executives. At the end of the year, classrooms prepare presentations on topics such as marketing, finance and manufacturing and present them to the executive team at Claude Laval.

In Clovis, Tarpey Elementary School and Costco have cultivated a partnership that families, as well as students have benefited from. Costco has donated back packs and school supplies to over 1,000 students. Needily families have been the recipients of food and clothing. The annual Tarpey BBQ and carnival has become one the community highlights as part of the Viking Pen Pal Program. The kids love the letters they receive from the employees. In addition to extensive involvement from employees, David & Sons also contributes financially to after school activities that touch the families as well as the children.

As enacted, the Territories and the District of Columbia were excluded from the original program. This amendment is necessary because as passed, the Act does not truly reflect the strengths of our Nation and the tremendous contributions to American society and American democratic values provided by the United States citizens who reside in the Territories and in the District of Columbia. It is important that the youth of the United States, a large number of whom are expected to collect complete sets of the new quarters issued during the program, learn about their national history, geography and heritage.

We supported the program (H.R. 2414) on the House floor last September after it was agreed that we would be included in a subsequent bill. I wish to salute the chairman of the Domestic and International Monetary Policy Subcommittee, Michael Castle (R-Del), for his support and commitment to ensure that we receive the same considerations as all 50 states.

In addition, I wish to thank delegate Eleanor Holmes Norton, of the District of Columbia and my colleagues representing each of the territories. I am glad that we could work together to achieve this important victory towards equality.

**INTRODUCTION OF A BILL TO AMEND THE 50 STATES COMMEMORATIVE COIN PROGRAM ACT**

HON. CARLOS ROMERO-BARCELÓ
OF PUERTO RICO

**IN THE HOUSE OF REPRESENTATIVES**

Wednesday, April 1, 1998

Mr. ROMERO-BARCELÓ. Mr. Speaker, today, we have introduced a bill to amend the 50 States Commemorative Coin Program Act that will extend the program by one additional year so as to include the District of Columbia, Puerto Rico, American Samoa, Guam and the United States Virgin Islands within the scope of the program.

The 50 States Commemorative Coin Program, to begin in 1999, allows each of the States the privilege of selecting a design for the reverse side of the quarter coin that commemorates their history. Five States per year will have quarters minted, selected according to the order in which the States ratified the Constitution or were admitted into the Union. As enacted, the Territories and the District of Columbia were excluded from the original program. This amendment is necessary because as passed, the Act does not truly reflect the strengths of our Nation and the tremendous contributions to American society and American democratic values provided by the United States citizens who reside in the Territories and in the District of Columbia. It is important that the youth of the United States, a large number of whom are expected to collect complete sets of the new quarters issued during the program, learn about their national history, geography and heritage.

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**THE FIFTY STATE COMMEMORATIVE COIN PROGRAM ACT**

HON. ELEANOR HOLMES NORTON
OF THE DISTRICT OF COLUMBIA

**IN THE HOUSE OF REPRESENTATIVES**

Wednesday, April 1, 1998

Ms. NORTON. Mr. Speaker, today, I introduce a bill that would give the District of Columbia and the four insular areas a privilege the 50 states already have, namely, the ability to choose a design for the reverse side of the quarter coin in order to commemorate our history as part of the United States. After I protested the exclusion of D.C. and the four territories when the original bill came to the House Floor, Congressman Mike Castle, Chair of the Domestic and International Monetary Policy Subcommittee, agreed to co-sponsor this bill with the other Delegates and me to allow the District and the four insular areas to participate.

I want to thank Chairman Castle for his great cooperation in helping us with this effort that is important to our districts, and I thank the Delegates from the four insular areas who have worked hard on this bill from the beginning.

Although the residents of the District and the insular areas are American citizens, there are some differences between us and the states. However, qualification to be part of a program to redesign quarters to commemorate Member’s home districts is not one of them. There is no legal or constitutional reason to exclude D.C. and the territories from this bill. Congress should be at great pains to avoid any appearance of treating the District and the insular areas as colonies. I am sure this initial exclusion was an oversight.

My bill would extend the 10-year commemorative coin program for an additional year to include the District of Columbia and the four insular areas—American Samoa, Guam, Puerto Rico and the Virgin Islands—in the program. In the District, I am suggesting that we hold a competition to choose the design for our quarter. Although to some American citizens the Commemorative Coin Program may seem like a minor activity, the ability to participate in this program is important recognition to my constituents. I am sure that the same is true for the insular areas.

**INTRODUCTION OF H.R. 3633, THE CONTROLLED SUBSTANCES TRAFFICKING PROHIBITION ACT OF 1998**

HON. STEVE CHABOT
OF OHIO

**IN THE HOUSE OF REPRESENTATIVES**

Wednesday, April 1, 1998

Mr. CHABOT. Mr. Speaker, serious concerns have been raised by law enforcement, US Customs, drug abuse prevention counselors and commissions, independent studies and media reports about the trafficking of controlled substances from Mexico.

“Controlled substances” are drugs that the Drug Enforcement Administration has either banned or subjected to closely regulated status because of their danger, addictiveness and potential for abuse. Controlled substances include illegal drugs such as heroin and closely-regulated legal drugs such as Vallium.

Currently, it is particularly easy for an individual to purchase dangerous controlled substances in Mexico. These uppers, downers, hallucinogens, and “date-rape drugs” are obtained from so-called “health-care providers” or “pharmacists” in Mexico with no documentation of medical need; then legally imported into the United States. According to DEA, frequently sold illegally on the street.

Mexican drug sellers even include detailed instructions to help Americans avoid arrest or
I have proposed offers a targeted and straight-forward solution to this problem. My proposal would limit the exemption for individuals who do not possess a prescription issued by a U.S. physician or documentation which verifies a legitimate prescription. An individual without this documentation would be limited to 50 dosage units of a controlled substance. The 50 dose limit would provide those people who have a legitimate need for a controlled substance ample time to seek medical attention in the U.S. while virtually eliminating the abuses that are now prevalent along the U.S. border.

I want to be very clear about what this legislation does and does not do:

The legislation is strictly limited to controlled substances. Again, controlled substances are drugs that the DEA has either banned or subjected to closely regulated status because of their danger, addictiveness and potential for abuse.

The legislation is strictly limited to those individuals that do not possess a U.S. prescription or documentation that a prescription exists. The legislation does not impact the ability of people with a prescription issued by a U.S. doctor to import any medications, including controlled substances.

The legislation does not in any way change current U.S. law as it relates to the importation of prescription drugs that are not considered controlled substances. In other words, this legislation will not make it more difficult for people to obtain drugs to treat heart disease, cancer, AIDS or other serious illnesses, because these drugs are not controlled substances. In fact, none of the top 20 heart, cancer or AIDS drugs are controlled substances.

I would also like to note that although this problem occurs primarily along the Mexico border, it impacts communities well beyond the southwest. The study in Laredo found that residents from 39 states crossed the border and returned to the United States with a variety of drug products in large quantities.

Mr. Speaker, this should not be a controversial proposal. DEA and Customs identified this as a critical problem over two years ago. General McCaffrey, the Director of Customs, expressed his belief that there is general agreement among his office, ONDCP, DEA, and Customs regarding the scope of the problem and the proposed solution.

Members of this House recognize that prescription drug abuse is a serious problem in this country, and a growing problem among our youth. The purity and low price of prescription pills makes them an attractive alternative to street drugs.

More Americans abuse prescription drugs for non-medical purposes than use heroin, crack and cocaine. Surprisingly, prescription painkillers, sedatives, stimulants, and tranquilizers account for 75 percent of the top 20 drugs mentioned in emergency room episodes in 1995.

Mr. Speaker, this is a very important issue that must be addressed, and I appreciate the leadership of Mr. McCOLLUM, the Chairman of the Crime Subcommittee, and the other supporters of this legislation on this important issue.
I urge my colleagues to support the legislation.

THE VETERANS BURIALS RIGHTS ACT OF 1998

HON. LANE EVANS
OF ILLINOIS
IN THE HOUSE OF REPRESENTATIVES
Wednesday, April 1, 1998

Mr. EVANS. Mr. Speaker, America has a sacred trust to honor the sacrifices made by our veterans—the men and women whose military service, both in wartime and in times of peace, has kept us free and strong. One of the most important and symbolic ways our country has historically recognized honorable military service is by providing military honors at veterans’ funerals.

Traditional, the Department of Defense (DOD) has provided the honor guard details. Unfortunately, DOD has determined that, because of the downsizing of America’s Armed Forces, this type of assistance can no longer be provided. I believe this is a mistake and that, in the zeal to cut costs and squeeze savings at every possible opportunity, appreciation has been lost for the significance and meaning associated with paying final tribute to our nation’s former military personnel.

Those who have attended a funeral with full military honors remember it as a uniquely profound and moving experience—an experience that vividly expresses our nation’s gratitude to those whose sacrifices have protected and preserved our liberty and freedom. I have also been told by the loved ones of deceased veterans that the beauty and solemnity of the military funeral, the report of the rifle salute, the haunting sound of Taps, provided them extraordinary comfort and consolation. A military funeral also reinforces a principle that is important for all Americans; that our nation must never forget our veterans’ service, sacrifice, and love of country. As we strive to recruit and retain motivated men and women for military service, it is important that we recognize and honor the sacrifices made by our veterans. The legislation that I am presenting today seeks to provide military honor guards for veterans’ funerals. Additionally, my bill would require the Department of Defense to provide military honor guards at veterans’ funerals.

I believe that our nation can—and must—do better. Our military must recognize and honor the sacrifices made by our citizen-soldiers. According to the Defense Manpower Data Center, our armed forces include no fewer than five members of the armed forces, including a bugler.

Representative SUE KELLY from New York is the principal co-sponsor of my legislation, which is the companion bill to S. 1825, introduced on March 25, 1998 by Senator PATSY MURRAY. Senator Murray has been a true leader on veterans’ issues and has shown great commitment in pushing for recognition of their accomplishments and needs. She should be applauded for her authorship of the legislation as well as her work to bring this issue to the attention of our nation.

I hope we will act quickly on this legislation so that we can once again properly honor the sacrifices made by deceased veterans. I urge all of my colleagues to join me in sponsoring this important effort.

HONORING CHIEF OF POLICE FRANK ALCALA

HON. PETER J. VISCOLOSKY
OF ILLINOIS
IN THE HOUSE OF REPRESENTATIVES
Wednesday, April 1, 1998

Mr. VISCOLOSKY. Mr. Speaker, at a time when crime concerns are on every citizen’s mind, those who have dedicated their lives to law enforcement are to be commended. It is my distinct pleasure to call your attention to an outstanding law enforcement official, Chief of the East Chicago Police Department, Frank Alcala, on his receipt of Twin City Community Services’ 9th Annual “East Chicagoan of the Year” Award. The Twin City Community Services’ Board of Directors has bestowed this award upon Chief Alcala at a benefit which will take place tomorrow, April 2, 1998, at the Knights of Columbus Hall in East Chicago, Indiana.

Frank Alcala began his distinguished law enforcement career in 1970, upon his graduation from the police academy at Indiana University in Bloomington. His initial position, as Patrolman, was the beginning of his 27-year career with the East Chicago Police Department. He served the department in this capacity until 1975, at which time he was promoted to Traffic Investigator. In 1981, he became Sergeant in the Patrol Division, where he served until he was promoted in 1990, to Traffic Sergeant. In 1991, he was promoted to Lieutenant in the Service Division, and, in 1994, he was appointed Chief of Police by East Chicago Mayor Robert Patrick.

During his tenure as Chief of Police, Frank has made numerous contributions to law enforcement in the City of East Chicago. In 1994, he hired 12 community police officers, one full-time Drug Awareness Resistance Education (D.A.R.E.) officer, and provided police security to East Chicago Central High School. Also in 1994, he established a Special Operations Section Team, a unit comprised of volunteers from different areas of the police department, which trains in the handling of raids and hostage situations. In addition, Chief Alcala implemented the first ever K-9 unit in East Chicago in 1995, and provided an extra division of Gang and Narcotics Officers to the police department in 1997. Also under Frank’s supervision, a Cadet Program, which will afford graduating high school seniors an opportunity to work for the East Chicago Police Department while enrolling in criminal justice courses at a local university, will be implemented this year. Chief Alcala’s strong commitment to crime prevention is exemplified by his significant expansion of the police force. In 1994, there were 105 officers with the East Chicago Police Department; today there are 135.

In addition to his many law enforcement efforts within the City of East Chicago, Chief Alcala participates in numerous law enforcement and community service organizations throughout Northwest Indiana. He currently serves on the Executive Board of the Lake County Drug Task Force and the Executive Committee of the Lake County High Intensity Drug Trafficking Area (HIDTA) and Estella Smith Memorial Foundation. Some of the community service organizations he assists include: the East Chicago Exchange Club, an organization devoted to a variety of youth and community service programs; Christmas in April, a program that provides volunteers for the building of homes for low-income families; and the St. Catherine’s Hospital Foundation Annual Support Committee.

I urge all of my colleagues to join me in commending Frank Alcala on receipt of the East Chicagoan of the Year Award. His wife, Suzanne, and their children, Doug, Frank Jr., and Brian, can be proud of his devoted service to the citizens of East Chicago and Indiana’s First Congressional District.

CONGRATULATING THE ILLINOIS STATE UNIVERSITY MEN’S BASKETBALL TEAM

HON. THOMAS W. EWING
OF ILLINOIS
IN THE HOUSE OF REPRESENTATIVES
Wednesday, April 1, 1998

Mr. EWING. Mr. Speaker, I rise today to offer my congratulations to the Illinois State University Men’s basketball team for a truly memorable season. Coach Kevin Stallings and his group of young men epitomized all that is good in college athletics. Led by seniors Rob Grabows, Dan Muller, Jamar Smiley, LeRoy Watkins, Steve Hanssell, Skipp Shaefbauer and the outstanding junior Rico Hill, the 1998 Redbirds won 16 Missouri Valley Conference Games on their way to a second consecutive Missouri Valley Conference Championship. The Redbirds went on to win the Missouri Valley Conference Tournament. They advanced to the NCAA Tournament where they beat a quality Tennessee squad in overtime in the first round. While the defending national champion Arizona Wildcats eventually ended their season, the Redbirds played tough for the entire 40 minutes and should be proud of their remarkable season. In addition to the extraordinary accomplishments of the Redbird team, the ISU program was the recipient of a number of Missouri Valley Conference individual awards. Rico Hill was named Missouri Valley Conference Player of the Year. Senior Dan Muller was named to his third consecutive Missouri Valley All-Academic Team with a grade point average of 3.77 in business management. Muller was joined by Skipp Shaefbauer who earned a 3.29 in Sports Management. The Missouri Valley Conference Coach of the Year was ISU’s own Kevin Stallings. The 1998 Redbird season adds another string of accomplishments to the already impressive career of Coach Stallings, solidifying him as truly one of the best young coaches in America. While I am sure other schools will try to recruit all of his fans to join me in hoping this native Illinoisan will choose to stay at Illinois State University. Mr. Speaker, the Illinois State Redbirds deserve the recognition.
of the House of Representatives for their wonderful 1998 season. I would also like to remind the Speaker that Midnight Madness and the start of the 1999 NCAA basketball season is only 198 days away.

TRIBUTE TO DR. WILLIAM W. SUTTON

HON. BENNIE G. THOMPSON
OF MISSISSIPPI
IN THE HOUSE OF REPRESENTATIVES
Wednesday, April 1, 1998

Mr. THOMPSON. Mr. Speaker, I rise here before you today and acknowledge the retirement of one of Mississippi’s greatest college administrators. Dr. William Sutton has announced his retirement as President of Mississippi Valley State University in Itta Bena, Mississippi. Dr. Sutton has held his position for nearly a decade. Since assuming the presidency, Dr. Sutton has overseen a multimillion dollar renovation of the school’s physical plant. During the same period, the school’s fiscal deficit has been eliminated and financial flexibility has been achieved. Since the fall of 1989, enrollment has increased by ten percent and new academic programs have been added.

Dr. Sutton graduated from Howard University in New Orleans, Louisiana. He received his master and doctoral degrees from Howard University in Washington, D.C. Dr. Sutton began to advance his administrative career from instructor to full professor and Chair of the Division of Natural Sciences at Dillard in 1979. He left there to serve as Academic Vice President, Provost and Professor of Biology at Chicago State University from 1979 to 1985. In 1985, Dr. Sutton was named Vice President for Educational and Student Services at Kansas State University before assuming the presidency at Mississippi Valley State University.

Dr. Sutton has been very active in the community serving on a variety of civic and educational boards in New Orleans, Chicago, Manhattan, and Kansas. He is an active member of the Greenwood-Leflore Chamber of Commerce, the Greenwood-Leflore-Carroll County Economic Development Foundation, and the Greenwood Rotary Club. He serves on the Advisory Board of Deposit Guaranty National Bank in Greenwood, Mississippi, and the Professional Advisory Committee of Mid Delta Home Health, Inc. He is a member of the Board of Governors of Mississippi Institute of Arts and Letters and the Board of Directors of Blue Cross and Blue Shield of Mississippi.

Mr. Speaker, Dr. Sutton has been a catalyst for change and growth in higher education in Mississippi. His knowledge and expertise will be truly missed and always appreciated.

PERSONAL EXPLANATION

HON. MARION BERRY
OF ARKANSAS
IN THE HOUSE OF REPRESENTATIVES
Wednesday, April 1, 1998

Mr. BERRY. Mr. Speaker, unfortunately, I missed roll call votes number 87, 88, and 89 on Tuesday March 31, 1998, due to the memorial service that was held in Jonesboro, Arkansas for the victims and survivors of last week’s tragic shooting.

Had I been present, I would have voted: “Yes” on roll call vote number 87; I would have voted “No” on roll call vote number 88; and, I would have voted “Present” on roll call vote number 89.

I request that this be included in the Record immediately following these votes.

HONORING MAYOR CARL J. MATT
OF PENNSYLVANIA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, April 1, 1998

Mr. KLINK. Mr. Speaker, I rise today to honor Carl J. Matt, Mayor of Jeannette, Pennsylvania. Mayor Matt has been a public servant of the residents of Jeannette for over 41 years and will continue to serve them in the future.

Carl J. Matt joined the Jeannette Police Department in 1956 and served the community for the next 41 years. Nine of those years were spent as the Chief of Police. During his years in law enforcement, Carl Matt worked under 15 different mayors of Jeannette. He saw both the successes and the failures of these mayors. Eventually Carl Matt decided to run for mayor himself and won.

As mayor, Carl Matt vows to return to the days when all citizens of Jeannette worked together with the government to accomplish their goals. Another goal of Mayor Matt is to make himself readily available to his constituents at all times. As a police officer, he always kept his phone number listed and hopes to do the same as mayor. Mayor Carl Matt has always been a tireless public servant and a pillar in the community. Through his efforts, the citizens of Jeannette are able to build for the future. I ask my colleagues to rise and pay tribute to Mayor Matt. His history of service to Jeannette is unparalleled.

WOMEN OF CONGRESS’ MEMORIAL WREATH-LAYING CEREMONY

HON. JUANITA MILLENDORF-MCDONALD
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, April 1, 1998

Ms. MILLENDORF-MCDONALD. Mr. Speaker, I would like to share with you a historic event I convened yesterday so that my colleagues and I could celebrate Women’s History Month. I would like to share with you my remarks at the first Women of Congress’ Wreath-Laying Ceremony at the Women in Military Service for America Memorial at Arlington National Cemetery:

Good afternoon, I’d like to thank my friends and colleagues Congresswoman MARCY KAP-TUR, Congresswoman BARBARA KENNELLY, Congresswoman TILLIE FOWLER, Congresswoman SHEILA JACKSON-LEE and Congresswoman CORRINE BROWN for being here at the Women of Congress’ Memorial Wreath-Laying Ceremony. We have come today to honor the brave women who served in our Armed Services and to recognize their outstanding service to this country and the ultimate sacrifice that was made to enable us to have the freedom we so much enjoy as a country. It seems fitting that we pay homage to them during Women’s History Month and to salute them for their contributions as patriots of this great nation. So we have come to this shrine that was built as a lasting memorial of their service, bravery and sacrifice during military conflicts dating back to the founding of America. Without the heroic efforts of American service women, we would not be here today.

Women In Military Service for America Memorial was dedicated on October 18, 1997. This is the first major national memorial honoring all military women of all eras, past, present and future.

Women have served in all of America’s major conflicts. Beginning with the American Revolution—when some women disguised themselves as men to join the Continental Army.

In the wars of the 18th and 19th centuries and during the Civil War women were hired to provide medical care, forage for supplies, cook, make clothing, engage in sabotage, scout and serve as couriers. Dr. Mary Walker, an Army physician who served during the Civil War, was the first and only woman awarded the Congressional Medal of Honor for her work in treating patients.

Women were first recruited as members of the armed services in World War I. With more than 35,000 women having served in roles ranging from nurses to telephone operators. It was the first war in which American women served overseas.

More than 350,000 women served in World War II, which included the first female officers. More than 200 military women of the Women’s Army Corps and Women Air Force Service Pilots died in action overseas or ferrying aircraft; and 88 were held as prisoners of war.

In the Gulf War (July 2, 1990 to April 6, 1991), women accounted for 35,000 of the 540,000 U.S. troops. Although they were not assigned to combat by law, these women ferried fuel, food and troops into combat areas. Two women were taken prisoner and 11 died.

The Number of Women Who Served in U.S. Military Conflicts are:

Persian Gulf—14,000
Panama—770
Grenada—170
Vietnam—7,500
Korea—48,000
World War II—350,000
World War I—35,000
Spanish-American War—1,500

As we lay this wreath, may it symbolize the appreciation we have for the courageous service women who dedicated their lives for their country.

We appreciate the service and the lives of these noble women. May they always be remembered for their bravery.

MERCY HOSPITAL’S 100TH ANNIVERSARY

HON. PAUL E. KANJORSKI
OF PENNSYLVANIA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, April 1, 1998

Mr. KANJORSKI. Mr. Speaker, I rise today to pay tribute to Mercy Hospital in Wilkes-Barre, Pennsylvania. Mercy is celebrating its centennial with a mass and a reception on April 19, 1998. I am proud to have been asked to participate in this milestone event.

Founded by Mother Catherine McAuley in Ireland in 1831, the Sisters of Mercy nursed the poor in Irish slums plagued by cholera. They marched with Florence Nightingale to Crimea and to Constantinople to tend to the
wounded. In America, the Sisters served in the Civil War nursing wounded on both sides of the conflict.

In March 1898, the six original Sisters of Mercy, or the “Hospital Sisters” as they were known, opened the doors of the original Mercy Hospital, in a former Haines House on Hanover Street in Wilkes-Barre. Before the end of that summer, the hospital provided care for seventeen wounded veterans of the Spanish-American War.

The Mercy Hospital in Wilkes-Barre flourished immediately, tending to the region’s injured coal miners. Money to support their effort poured in; wealthy individuals donated fuel and money and the poor shared their food with the Sisters. Only the coal companies failed to offer support, refusing to even offer a discount on coal for heat.

Mr. Speaker, over the last hundred years Mercy Hospital has suffered the wrath of nature several times. In the Flood of 1936, the Hospital was almost destroyed. Again in 1972, when Hurricane Agnes caused the Susquehanna River to inundate the Wyoming Valley, the hospital sustained six million dollars of damage. In 1996, the hospital was forced to evacuate once again as the Susquehanna reached flood stage.

Undaunted by economic hard times, changes in health care, nature’s wrath, and the staggering growth in new technology, Mercy Hospital has not only survived but grown into a state-of-the-art facility. Expanding and providing services that no other local health facility has undertaken. From the McAuley House, a shelter for women and children, to a special and innovative clinic for expectant mothers, Mercy Hospital has contributed to the community for 100 years. The state-of-the-art hospital of today owes its success to the vision and perseverance of a group of women who were determined to provide the best care. They not only provided the care, they also provided the facility.

The United States may be the only remaining superpower, but it still must be very careful when dealing with Iran. Western ideological paradigms, on which we rely so heavily to understand political dynamics overseas, are predated by 4,000 years of Persian history. When the United States seeks to address U.S. concerns regarding weapons of mass destruction and support for international terrorism, the United States may be the only remaining superpower, but it still must be very careful when dealing with Iran.
Mr. Chairman, thank you for giving me this opportunity to come before you today to speak about the important programs contained in your foreign assistance bill. I am a strong supporter of a number of these programs, including child survival, tuberculosis control and microcredit.

I want to begin by thanking you for your unwavering protection of child survival programs over the past few years. I know that it is thanks to you and this Subcommittee that each year this program has been specifically protected and expanded. Child survival programs provide life-saving vaccinations and micronutrients to millions of needy children in the developing world. I know that I do not have to tell you, Mr. Chairman, that child survival programs mean simple, cost-effective solutions like oral rehydration therapy, which prevents 1.5 million child deaths each year, and five cent capsules of vitamin A, given to children three times a year, which reduce child death rates by as much as twenty-five percent in affected populations. The vaccinations that are funded each year, Mr. Chairman, are a large part of the reason that three million children are immunized from diseases, and, therefore, able to escape death. I am aware that you have had to push hard for the protection of child survival programs, and I commend you for your dedication to these children.

I would also like to thank you for expanding your Child Survival and Disease Account by $50 million in FY98 to include more funding for infectious diseases. I thank you for that increase, because I know how critically important such funding is, especially in terms of our global fight against the disease of tuberculosis.

The spread of TB concerns me, because it is often considered a disease of the poor and a problem of the developing world—and yet, we are all in danger of contracting it. It is on the rise around the world and here in the United States, where it is estimated that fifteen million Americans are infected with the bacteria that causes TB. This city of Washington, D.C. where you and I spend so much of our time, is one of TB’s “hot zones” in the United States. Tuberculosis in Southern California is at risk, as people travel back and forth across our international border. With two million people crossing international borders each day, stopping this threat at the border is not a realistic option. This disease is a danger to the health of our well-being to the entire country, and we must do more to control it.

According to the World Health Organization, infectious diseases cause nearly thirty percent of deaths in poor countries, and they receive only 1 percent of foreign aid. I know leaders are doing your part to see that the percentage of aid going to infectious diseases is increased. Thanks to your $50 million “set-aside”, the Administration increased its funding for tuberculosis control—programs that roughly $1 million a year to $15-20 million. This is a significant increase, but I am still concerned that it will be insufficient to keep up with the spread of tuberculosis—and so I urge you to do more. You have my full support for a significant increase in funding within your legislation for tuberculosis control programs for FY99.

Finally, I would like to thank you for your support for microcredit programs in the past, and I am strongly supportive of your leadership in protecting and specifying this successful and proven program in your foreign assistance bill next year. I understand, according to a recent USAID report, that funding for microcredit has declined between 1994 and 1996. In addition, AIDS has not achieved a goal that it set for itself in 1994 to spend half of overall microcredit funding on programs serving the poorest people. Only $42 million went to poverty-targeting of a very real need. The Eastside Multi-Purpose Center, part of Saint Paul Square, and a street near his church bear the name of this vibrant leader.

In his role as business leader, Dr. Black organized the Mount Zion Federal Credit Union giving his congregation and members of the community access to alternative offerings for automobile loans, other types of loans, and various financial transactions. His concern for the housing needs of his community led Dr. Black to acquire financing for the building of the Mount Zion Senior Citizen Complex. In 1984, he organized the New Community builders, a non-profit housing corporation.

Reflecting on Dr. Black’s years of leadership and accomplishments I know that his wife ZerNova was always there for him, as a friend, sounding board, consoler and mother of their two children. Ms. ZerNova Black is the epitome of King Solomon’s words about the tranquil wife. I admire her quiet strength of character, and celebrate with her the many accomplishments she made possible.

We need more leaders like Dr. and Mrs. Black who showed with their actions, and not just their words, how to be good citizens. We need leaders like them who display integrity while forging more paths to accessible education, housing, and economic mobility. We look forward to their continuing mission as drum majors of positive change, understanding, and creativity that one can make the world a better place to live.

HONORING EQUAL PAY DAY
HON. RON KLINK
OF PENNSYLVANIA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, April 1, 1998

Mr. KLINK. Mr. Speaker, I rise today in recognition of the Labor Council of Beaver County and their efforts to raise public awareness of the discrimination toward women in the workplace. On April 3, 1998, they will be holding their Equal Pay Day rally to show their support for this important issue.

This year, since 1963, but today, women still receive less pay than men for comparable work. Over the past few decades, women have been given many opportunities for education and employment. They have made contributions in quite a few career fields that were once almost entirely closed to them. With all the progress women have made, it is truly a tragedy that they are still being discriminated against in terms of equal pay.

The Labor Council of Beaver County is putting forth a great deal of effort in combating this discrimination in the workplace and trying to change the current system of gender inequity in terms of pay. Equal pay is an issue for all working women. The current status of their careers and their daughters’ future careers depends on a change in the status quo.

Mr. Speaker, I again want to applaud the Labor Council of Beaver County for their efforts in bringing this issue to the public’s attention. I hope my colleagues will join me in recognizing the seriousness of this issue and the
Mr. ABERCROMBIE. Mr. Speaker, I rise in opposition to the Illegal Foreign Contributions Act, H.R. 34.

This bill, if enacted, would ban contributions to federal election campaigns by legal permanent residents. These residents are required to perform citizenship obligations, such as registering for the military draft and serving in the armed forces. But we would deny them the basic citizenship rights we require them to defend.

Consistently throughout federal constitutional law, Legal Permanent Residents have all First Amendment freedoms of full U.S. citizens. This has been consistently upheld by the federal courts and the Supreme Court. H.R. 34 would deliberately abridge and deny those rights in the name of campaigning finance reform. It would trample on the constitutional rights of hundreds of thousands of people without justification. The bill picks out a specific group of people and says we are going to prevent you from expressing your political views.

This bill is a gag of political expression in the guise of campaign reform. The reality is that hard-working, tax-paying, military-serving individuals are being told they can have no say over who is elected to determine the policies that determine their fates and lives.

Mr. Speaker, I also fear that legislation that singles out specific groups of people for treatment different than that of citizens will lead us down a road to finding scapegoats when there are failings in our government and society. This is a dangerous precedent, and I urge my colleagues to think carefully before they cast their vote on H.R. 34, and to vote against this ill-conceived “reform.”

THE 100TH ANNIVERSARY OF THE NEIGHBORHOOD HOUSE, MORRISTOWN, NEW JERSEY

HON. RODNEY P. FRELINGHUYSEN
OF NEW JERSEY
IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 1, 1998

Mr. FRELINGHUYSEN. Mr. Speaker, I rise today to commemorate the 100th Anniversary of the Neighborhood House in Morristown, New Jersey.

The Neighborhood House, known as the “Nabe” among its clients, began in 1898 as a one-room mission dedicated to easing the daily hardships of immigrant life among a growing population of Italian-American families in Morristown. The building housing the mission burned down in 1901, and activities were soon moved to a more spacious, donated home.

The larger accommodations allowed the mission to expand its work, and by 1908, officially named the Neighborhood House, these activities included tutoring in English, providing help in finding affordable housing, and classes in music, carpentry, and crafts.

While continuing its community outreach with the opening of Morristown’s first baby clinic in 1915, the Nabe was also instrumental in the development of several local non-profit organizations. These included such groups as the Urban League of Morris County, the Colonnial Little Symphony and the New Jersey Chorale Society. By the 1930’s, the Neighborhood House expanded its work to accommodate newer immigrant groups that had settled in the Morristown area, and in 1936 there were 46,016 individuals affiliated with the House, a record number at that time.

In 1953, in response to concerns that the House’s building was potentially unsafe due to overcrowding, more than $200,000 was raised for a new building on the original lot. Construction of this building was completed in 1957, and additional renovations have included several new wings, which have vastly increased the space available for classes and other activities.

The Neighborhood House has been blessed with strong and caring leadership since its inception. From 1912 to 1938, the Neighborhood House was run by Aldus and Marie Antoniette Pierson, a couple deeply committed to the community, who oversaw much of the House’s expansion in activities. Ten years after the Pierson’s retirement in 1938, Carmeta Meade became the House’s first African-American Executive Director. Mrs. Meade was among those who recognized the need for a new Neighborhood House building and in 1985, after serving the Neighborhood House for thirty-four years, retired with a sterling record of service.

The Neighborhood House is led today by Sam Singleton, who had been active as a young man for ten years before returning to become Executive Director in 1991. As Mr. Singleton lays the foundation for the Neighborhood House’s continued success, ensuring, in his words, that “the Neighborhood House [be] a model for the community center of the future,” I want to ask you, Mr. Speaker, and my colleagues to join with me in commemorating the Neighborhood House on this special anniversary year.

YOUTH TOBACCO POSSESSION PREVENTION ACT OF 1998

HON. GENE GREEN
OF TEXAS
IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 1, 1998

Mr. GREEN. Mr. Speaker, today I introduced the Youth Tobacco Possession Prevention Act of 1998. This bill would require States to enact stern punishments for people over the age of 18 who provide tobacco products to anyone under the age of 18. There are two key components to this bill.

First, in dealing with the youth, the bill focuses on education rather than punishment. For first and second time offenders, youth will be required to complete tobacco education and cessation programs, and as a result, may lose their driver’s license. If they continue to disregard the law and their health, their driver’s license would be suspended from three to six months. This last resort was suggested during one of our Subcommittee hearings by a local teenager, who told the Commerce Health Subcommittee that kids would only respond to this type of approach.

Second, the bill would require States to enact stern punishments for people over the age of 18 who provide tobacco products to youth. At that same hearing, many of our teen witnesses admitted one of the primary sources of tobacco are older people who buy for teens. This is simply not acceptable. I believe every adult has the responsibility and moral obligation to do whatever we can to protect our nation’s youth from starting this deadly habit.

Unlike many proposals, this bill will not punish States who choose not to enact the outlined legislation. It will, however, reward those States which act responsibly and do. Each State that passes the provisions outlined in this bill will receive 5 additional points on their Health and Human Services competitive public health service grant applications. This incentive will hopefully encourage States to take action and do the right thing.

A PROCLAMATION CONGRATULATING THE IRANIAN WRESTLING TEAM

HON. ROBERT W. NEY
OF OHIO
IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 1, 1998

Mr. NEY. Mr. Speaker, I commend the following article to my colleagues:
Whereas, Iran has announced its twenty-one member delegation, which includes eleven wrestlers that will compete at the 1998 World Cup of Freestyle Wrestling on the Campus of Oklahoma State University in Stillwater on April 4–5, 1998; and,

Whereas, in the annual freestyle dual meet championships is behind only the World Championships and Olympics in importance; and,

Whereas, the Iranian lineup includes Gholam Reza Mohammadi, Bahman Tayebi-Kermani, Ali Reza Darbier, Abbas Haji Kenari, Massoud jamshidi, Majed Khodaei, P. Dorostkar, Ali Reza Heydari, Davoud Ghanbari, Abbas Jadidi, and Ali Reza Rezaie; and,

Whereas, the tournament marks Iran’s first competition in the United States since the 1996 Olympic Games; and,

Whereas, in February, the United States participated in the Takhti Cup wrestling tournament in Iran, the first U.S. team of any sport to compete in Iran in almost twenty years; and,

Whereas, I join the citizens of Southeastern Ohio and the entire world in congratulating and paying tribute to the Iranian wrestling team for their participation in the 1998 World Cup of Freestyle Wrestling in Stillwater, Oklahoma.

REPEALING THE MARRIAGE PENALTY

HON. BOB SCHAFFER
OF COLORADO
IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 1, 1998

Mr. BOB SCHAFFER of Colorado. Mr. Speaker, the reason I’m cosponsoring the Marriage Tax Elimination Act in Congress is because I believe marriage is an institution that should no longer be discouraged by federal tax policy.

At a time when various government chief executives, in Colorado and in Washington are exhibiting confusion about the importance of marriage and the meaning of fidelity, few people are aware that there are several of us in Congress actually making progress toward strengthening families and honoring the integrity of these sacred unions.

The current tax law punishes married couples who file income taxes jointly by pushing them into higher tax brackets. The marriage penalty taxes combined income at higher rates than if each salary were taxed individually.

For example, an individual with an income of $24,000 would be taxed at 15 percent. But a working couple, each with an income of $24,000 or a combined income of $48,000, would be taxed at 28 percent on a portion of that income. They would pay $600 more in taxes simply because they are married.

The Congressional Budget Office estimated over 21 million couples are affected by the marriage penalty, averaging $1,400 in additional taxes. Indeed, I’ve heard from many of them, and I’m quite sympathetic since, for twelve years, I have been a victim of the penalty myself.

Rarely does the marriage penalty subject fail to come up as I listen to taxpayers. Every week I conduct a public town meeting here in Fort Collins, and I hold several more throughout the Fourth Congressional District. Last month during a local hearing held specifically to discuss education issues, a state Board of Education member cited the marriage penalty as an example of anti-family policy that ultimately hurts schools and children.

More recently, I conducted an additional series of live electronic town-hall radio call-in programs. Callers demanded the marriage penalty be lifted. Also, my Web page has been inundated with support for the marriage tax repeal.

The marriage tax penalty is not new, nor are efforts to repeal it. But previous efforts ran into stiff opposition in Congress from those who believe the government needs the money more than the families who earn it.

Fortunately, with the current Congress, those placing the priorities of government above the needs of families have finally been outvoted by those of us who are serious about tax reform, tax relief, and more robust family budgets.

Since Republicans earned the majority at the Capitol, We’ve delivered more tax relief to the middle class and working poor than any Congress of the last half-century. And in Colorado, the Republican state legislature has produced even more prosperity for us all.

In December, the Coloradoan reported a study by the Center on Budget and Policy Priorities revealing the average income of Colorado’s poorest families increased faster than all other income categories over the last decade. Colorado’s low state tax rates, frugal spending habits, and favorable economic policies have provided that more hand-up to those of formerly meager means.

On top of the pro-family tax relief bills passed last year, we’re moving ahead in Congress on a second package of tax proposals, the cornerstone of which is marriage penalty elimination.

As a general goal, I believe the total tax bite for American families should be no more than 25 percent of income. Of course, the current burden is much higher than that and we have a long way to go.

But, while we tackle the more sweeping objective of IRS reform and overhauling the tax code, Congress ought to move swiftly and affirm its commitment to American families by repealing the marriage tax penalty.

THE 105TH ANNIVERSARY OF THE FIRST BAPTIST CHURCH OF DOVER, MORRIS COUNTY, NEW JERSEY

HON. RODNEY P. FRELINGHUYSEN
OF NEW JERSEY
IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 1, 1998

Mr. FRELINGHUYSEN. Mr. Speaker, I rise today to commemorate the 105th Anniversary of the First Baptist Church of Dover in Morris County, New Jersey.

The First Baptist Church has been serving the Dover community since 1893, when thirty-nine Dover residents, all members of the neighboring Netcong Baptist Church, came together to establish a church in their own town. While on the date of its establishment the church had no building of its own, by 1895 the cornerstone of a new building was set and, one year later, a dedication service for the church was held.

As the church continued to attract new parishioners over subsequent years, it soon became clear that there would not be enough space to house the entire parish. By 1966, the First Baptist Church purchased 12 acres of land on which to build a newer, larger building for worship. Construction of this building was completed on Easter Sunday, 1975, and recent renovation of the church’s interior has included a complete overhaul of the church’s main auditorium.

Continuing its long tradition of social outreach, the First Baptist Church today supports close to sixty-seven missionaries, who extend the good works of the church throughout New Jersey and in countries overseas. The church has also been blessed with strong leadership over the years, and has seen thirteen pastors since its inception in 1893. It is led today by Reverend John L. Hackworth, Senior Pastor.

On Sunday, April 5, 1998, Reverend Hackworth, with the assistance of the church’s parish and clergy, will lay the foundation for continued success into the next century. On this momentous occasion, I want to ask you, Mr. Speaker, and my colleagues to join with me in commemorating the First Baptist Church of Dover on this special anniversary year.

THE ENDANGERED SPECIES ACT IS NOT "WAR ON THE WEST, PART TWO"

HON. GEORGE MILLER
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 1, 1998

Mr. MILLER of California. Mr. Speaker, recently, some of my colleagues on the Resources Committee have been trying to convince the public that the Administration is placing an unfair burden on western property owners by deliberately implementing the Endangered Species Act more harshly in the western U.S. The facts simply do not support the allegations. While no one can argue that California has far more endangered and threatened species than most states (Hawaii has the most), my colleagues have confused the simple logic of cause and effect.

The western and southern states are the most biologically diverse and unique regions in the nation. In California alone, we have an extraordinary range of coastal and upland forests, deserts, grasslands, and shrublands—all with large numbers of rare and endemic species which are vulnerable to the effects of our economic prosperity. While my colleagues would argue that environmental protection laws like the Endangered Species Act inhibit economic growth, the facts lead to a very different conclusion. In 1996, the average number of housing starts per month were 661,000 in the southern states. In the western states, they averaged 361,000 a month, while there were only 132,000 a month in the Northeast. Florida’s growth rate is legendary; Texas is growing at a rate of about 8 million new people per decade; and California is expected to have 18 million more people by the year 2025.

The reality is that the West, and California in particular, are at the forefront of the ongoing battle between development and open space. What is really needed in the West is a means of addressing the loss of family farm land and open space while we address the needs of endangered species and their habitats. Any rewrite of the Endangered Species Act must contain incentives for small, private
landowners—not loopholes for large corporate landowners. We should require that all federal actions be consistent with the recovery of endangered species. Only then can we get landowners and farmers out from under regulatory control and back to the business of driving the economy.

H.R. 2351, the Endangered Species Recovery Act, which I authored and which currently has 102 cosponsors, seeks to address these concerns by establishing incentives for private landowners and local governments that will allow economic planning and development to move forward while protecting the species that are under federal protection. H.R. 2351 was not written with large corporate landowners in mind, but strives to provide something for everyone, whether they reside in the East or the West, and regardless of whether they own a small family farm or a suburban development.

I am inserting in the RECORD today two editorials from the Casper, Wyoming, Star-Tribune championing H.R. 2351—evidence that support for the Endangered Species Act is alive and well west of the Mississippi River.

**Senate Endangered Species Act Bows to Loggers’ Demands**

(By Charles Levendosky)

When the Secretary of the Interior Bruce Babbitt and Sen. Dirk Kempthorne, R-Idaho, work together on a piece of environmental legislation, warning sirens should pierce the air. Kempthorne is one of the Senate’s top recipients of donations from the timber industry. Last year, Kempthorne introduced the Endangered Species Recovery Act of 1997 (S. 1180)—a bill that would reauthorize but significantly change the original Endangered Species Act of 1973, one of the most important environmental and ecological laws our nation has enacted.

Kempthorne was first elected to the Senate in 1992. In the years from 1993 to 1996, he has received $341,216 in campaign funds from forestry and forest products, oil and gas, and mining industries. He votes logging. A good number of the cosponsors of S. 1180 tells the same story: Sen. Paul Coverdell, R-Ga., who in 1994 gave in greater amounts of timber PAC money than Kempthorne; Sen. FrankMurkowski, R-Alaska, who never saw a tree that wasn’t timber and has the money to show for it; and Sen. Ted Stevens, R-Alaska, who took in more than $200,000 in campaign funds from the timber, oil and gas, and mining industries in the span from 1991 to 1996.

The Natural Resources Defense Council calls S. 1180 an industry bill: “It gives big developers and multinational mining, timber and oil corporations a . . . loophole . . . that lets them destroy endangered species habitats.”

In an interview Friday, Babbitt wasn’t shy about admitting his role in the creation of the Senate bill: “I don’t think it’s any secret that I participated pretty intensively in the drafting of this thing and the negotiations that led to S. 1180. It’s obviously a consensus product designed to appeal across the center, as much as reasonably possible. I’ve indicated it’s an excellent start. It’s the only starting point.”

“If we’re going to re-authorize this act, we have to move this bill out for discussion on the floor of the Senate. . . . Is it perfect? No. But it’s a good bill. It incorporates most of the innovations that we spent much time on, kind of inventing over the last five years.”

“This bill ought to be specifically laid out in legislation, because they’re not there now. That would be Habitat Conservation Plans, the species conservation agreements, the safe harbor concept, no surprises, all important concepts. And they’re all in this bill.”

According to the U.S. Fish and Wildlife Service, approximately 80 percent of endangered species live on private lands. In order to protect those endangered species, some incentives had to be offered to private landowners.

A Habitat Conservation Plan (HCP) allows a landowner whose lawful activity might harm or dispose endangered species to negotiate with the Department of the Interior to mitigate and minimize that impact. There’s a provision that once a landowner has made a commitment to an HCP, there is assurance that the government won’t make additional requests or restrictions. The Senate bill would lock in those agreements for 100 years.

Species conservation agreements protect rare species through a program of inventory, monitoring, research and public education. “Safe harbor” allows land developers to set aside a portion of their property to provide habitat for threatened or endangered species. There is no requirement that the project be as objective as humanly possible in order to help that body decide about legislation. The CRS analysis should lay to rest any thought that the Senate bill balances environmental and industry concerns. The bill doesn’t.

In an interview Friday, Heather Weiner of Earthjustice Legal Defense Fund said the CRS report pointed out some aspects of the Senate bill, such as a worst case of S. 1180 the way it removes both judicial and public review of government activities. What it says is ‘trust the government.’ And that’s great when you have a friendly administration—we’re talking about species protection—but that’s not great for future administrations.”

Lott’s amendment would allow a private landowner—once there has been an agreement with the federal government to minimize the impact on a threatened or endangered species found on the landowner’s property—to ignore any species that has not been listed in the future as threatened or endangered. From 1991 to 1996, Lott received $293,355 in campaign funds from the oil and gas industry, forestry and forest products, and mining companies. That’s a hefty piece of change. Call these amendments payback. Lott’s proposed amendments helped stall the bill. They would kill any pretense that the legislation helps the recovery of endangered species.

Inadequate funding for the Senate version of the ESA re-authorization also brought it to a halt. But last week, folks in the Senate Budget Committee put their shoulders to it. Something is moving.

Weiner said, “This bill is really starting to catch some momentum now as they’re finding ways to deal with the budget issues in the Senate.” There is a real desire to take the funding from the sale of BLM (Bureau of Land Management) lands. . . . They want to sell off our public lands, where logging federal land is a huge threat to do some good things for endangered species.”

Now there’s a forward-looking approach. Sell off public lands—to agri-interests, and timber conglomerates—in order to finance the protection of species that are endangered by development.

The public lands from under our wild-life and soon nearly every species will be endangered.

CONGRESS PLAYS POLITICS WITH ENDANGERED SPECIES

(By Charles Levendosky)

Earlier this month, the Senate’s proposed version of the Endangered Species Recovery Act (S. 1180) received a stinging critique from the non-partisan Congressional Research Service of the Library of Congress. The House version (H.R. 2351) fared much better.

CRS researchers are not paid by special interest groups to arrive at some predetermined outcome. They work for Congress and are tasked with the responsibility of being possible in order to help that body decide about legislation. The CRS analysis should lay to rest any thought that the Senate bill balances environmental and industry concerns. The bill doesn’t.
Another irony was pointed out by Weiner. “The money that they would raise would not go toward the implementation of the ESA, it would go toward the landowner incentives,” she said. “It would go right back to the corporate landowner.”

It’s not actually going to the U.S. Fish and Wildlife Service to help them enforce the act or implement the act or come up with recovery plans. It’s going to the private landowners.

If agreements between landowners and the federal government go away? The CRS report states succinctly that S. 1180 would “probably not make citizen (law) suits available to enforce conservation agreements.” The House bill expressly allows such citizen lawsuits.


If agreements between landowners and the federal government go away? The CRS report states succinctly that S. 1180 would “probably not make citizen (law) suits available to enforce conservation agreements.” The House bill expressly allows such citizen lawsuits.

The Senate bill has no such bonding provisions. The House bill does have no such bonding provisions.

The Miller bill would improve habitat protection of the Preble’s meadow jumping mouse on Colorado’s front range.

In February, a letter from the presidents of 11 professional scientific societies specializing in plant and animal biology was sent to Congress and the Clinton administration. The letter condemns both House and Senate bills for allowing habitat destruction under conservation agreements.

The Miller bill would improve habitat protection for the Preble’s meadow jumping mouse. The Preble’s meadow jumping mouse is a small, brown rodent with a distinctive white stripe along the back of its body. It lives in habitats that are important for many other species, including some that are threatened or endangered.

The Miller bill would allow landowners to develop conservation agreements with the government to protect the Preble’s meadow jumping mouse. These agreements would require landowners to take steps to protect the mouse, such as limiting development and protecting critical habitats.

The Senate bill, on the other hand, would have less stringent requirements for protecting the Preble’s meadow jumping mouse. It would allow landowners to use a bond to cover any potential loss of the mouse due to habitat destruction.

In light of existing and developing efforts to conserve species before their status becomes critical enough to justify listing under the Endangered Species Act, that bill has already passed the Agriculture Committee and is currently being considered for appropriations. In addition, Colorado has aggressively dealt with the issues of growth and suburban sprawl along the Front Range. Land use planning, and growth issues are effectively being dealt with at the local and state levels. So, too, is Colorado dealing with the issue of the Preble’s meadow jumping mouse.

Colorado’s General Assembly is considering a state law that would establish a trust fund to conserve species before their status becomes critical enough to justify listing under the Endangered Species Act. That bill has already passed the Agriculture Committee and is currently being considered for appropriations. In addition, Colorado has established a broad-based coalition of land owners, state and local government officials and conservationists to protect the mouse and its habitat. Colorado’s approach to species preservation provides as much, if not more protection, than other successful programs applied across the country.

In light of existing and developing efforts to protect the species, the need to solicit additional data, and the profound impacts that listing would have on Colorado’s front range, the Secretary of the Interior of the U.S. Fish and Wildlife Service should allow the State to fully develop their state and local plans to preserve Colorado’s quality of life, and the Preble’s meadow jumping mouse.

HEALTH INSURANCE TAX DEDUCTIBILITY ACT OF 1998

HON. GENE GREEN
OF TEXAS

In the House of Representatives
Wednesday, April 1, 1998

Mr. GREEN. Mr. Speaker, today I introduced the Health Insurance Tax Deductibility Act of 1998. This bill is a simple, common sense solution to a very complex and destructive problem in our society.

Since I came to Congress in 1992, we have debated health care reform and considered a wide range of proposals—all designed to insure a greater number of Americans. When President Clinton signed the Health Insurance Portability and Accountability Act (HIPAA) into law in 1996, everyone said Congress had taken the first step towards ensuring access to health insurance to more individuals and families.

Unfortunately, a recent study by the General Accounting Office shows us this goal has not been achieved. Although HIPAA did expand access to health insurance, it did nothing to ensure that Americans can afford health insurance. And as the GAO study recognized, affordability has become the major hurdle for the American family to clear.

In the past, Congress has passed initiatives to encourage and assist people to get health insurance. We allow employers who sponsor health insurance for their employees to deduct the employer’s share of the premium as a business expense. We allow self employed people to deduct a portion of the health insurance premium they purchase. Yet we provide no assistance or incentive for individuals whose employers do not provide health insurance.

The Health Insurance Tax Deductibility Act of 1998 will do just this. Under this legislation, individuals will be able to deduct a portion—linked to the deduction for the self insured—they pay for health and long-term care insurance. This proposal will make health insurance more affordable for individuals and their families, which in turn, will give American families greater peace of mind.

In Memory of U.S. Capitol Police Officer Thomas Robinson

HON. BOB GOODLATTE
OF VIRGINIA

In the House of Representatives
Wednesday, April 1, 1998

Mr. GOODLATTE. Mr. Speaker, I rise today to pay tribute to one of the finest Capitol Police officers we have known, Officer T.O. “Tommy” Robinson, whose life was tragically taken by cancer on March 23.

While Officer Robinson was a dedicated law enforcement officer and public servant, his life was a testimony to others as well. He will be deeply missed by all who had the great privilege of knowing him.

Tommy Robinson served his country in the U.S. Army from 1965 to 1968, and served honorably as a member of the Capitol Police for 27 years. He leaves behind his wife of 20 years, Denise, as well as their 12-year-old son Christopher. He was a man of steadfast faith, with which he lived out on a daily basis.

Mr. Speaker, I would like to insert into the RECORD a copy of the eulogy given by our Capitol Police Chief Gary Abrecht in memory of Tommy Robinson, which pays tribute to his life and testimony. Everyone who came in contact with Officer Tommy Robinson is a better person for having done so. I know that the entire House joins me in expressing our deepest sympathies and prayers for Denise and Christopher, and the Robinson family, and for the men and women who serve this country and those who serve our Capitol Police.

In Memory, Officer T.O. “Tommy” Robinson

As I consider all the men and women of the US Capitol Police, I’m struck by the particular strengths each individual brings to the
had been brought to the breakfast by himself.

Meeting, offering them the "goodies" that

Office Robinson's impact on the lives of his co-workers and others he came into contact with is truly remarkable. He truly epitomized with unfolding ideas of law enforce- ment by his dedication and cooperative spir- it, and not only will his pleasant demeanor be missed, but so also will his positive influ- ence on others.

Office Robinson's twenty-seven year ca- reer with the US Capitol Police included many different assignments. Most of his service was divided between the Capitol Divi- sion, FRU, and the House Division, where he leaves behind a host of friends and co-work- ers. Officer Robinson was an original mem- ber of the First Responder Unit of the Capit- ol Division, and stories abound of his self-lessness and enthusiastic attitude. The First Responder Unit's duty is to confront the harshest weather this area offers. Officer Robinson worked in these con- ditions as a member of the FRU for ten (10) years, and all reports indicate that he did so without complaint. In fact, Officer Robinson was an example to others in his dedication to duty, and strict adherence to the policies and directives of his unit.

Some thirteen years of Officer Robinson's career were spent with the House Division. Officer Robinson, consistent with his convictions wherever he worked, endeared himself to his House Division co-workers and the staff and visitors, ensuring he will be missed, but not forgotten.

One of the most well-known facts about Office Robinson was that he was a man of faith. His belief in God, and Jesus Christ as Lord, and every aspect of his being, and he made no secret of this impor- tant matter to all who knew him. He was quick to point to this belief as the reason that he did as he did, with compassion, understanding and forgiveness. He often remarked to others how he wished more people on the Department shared a be- lief in God. He felt this would resolve some of the issues that divided not only his co-workers, but humanity in gen- eral. As an example of faith-in-action, Offi- cer Robinson established a monthly prayer breakfast for benefit of his co-workers and friends. Meeting every first Wednesday of the month at 0600 hours, these meetings were well-attended by a cross-section of ranks from within the Department, and eventually interested parties form outside the agency attended to participate in prayer, reading of Scripture, and occasionally even song. Officer Robinson ensured that all attendees were welcomed openly, and had an opportunity to express themselves freely. Even when he fell ill, he encouraged others to maintain their attend- ance at these meetings, feeling, and stating, that his absence should not be a reason for the demise of these meetings, and the failure of others to attend. After each of these Wednesday morning meetings, Office Robinson could be seen making his way to group of those who had not attended the meeting, offering them the "goodies" that had been brought to the breakfast by himself and the other attendees. This vision of Offi- cer Robinson, walking up to groups of his friends and offering food and a certain word of good-will is one that many of us will re- flect on with fondness in the coming days.

Office Robinson was never swayed in his projection to us all of a peace that passes un- derstanding. Often confronting his illness, Office Robinson was always upbeat and positive, rarely making reference to his ailment, and never complaining about it. He was truly remarkable in his ability to make whoever he was talking to feel better, even that person was attempting to encourage Of- ficer Robinson.

Because of his illness, Officer Robinson was unable to work for several weeks during the past months. Whenever he was contacted at home, he invariably spoke of his return to duty, often apologizing to his supervisors for not being at work. After his most lengthy absence, one of the first things Officer Robin- son did was to request an opportunity to address his co-workers at roll call. This request was quite granted, and in his com- ments to his co-workers, Office Robinson not only thanked everyone for their prayer- ful support of him, but insisted that every- one should strive for an adequate balance of sick leave, because you never know when you may need it. This type of comment most often comes from supervisors, and is often met with varying degrees of disbelief. However, when it came from Officer Robinson, it was received with interest and respect, for this is the type of response that Officer Robinson's character demanded and generated.

As a further testimony to Officer Robin- son's character, soon after he had addressed his co-workers at roll call, he approached his supervisors with a suggestion that typified his selfless nature. With great humility, he asked if he might be allowed to provide a meal for the co-workers he so appreciated. With a great amount of awe, his request was granted and soon afterwards, Office Robin- son enlisted the services of a friend who ca- tured the lunch-time meal for the entire day- work section of the House Division. Not a small undertaking, this meal ensured that all of the approximately 66 individuals present for an average workday were invited to the meal, and were able to enjoy not only his company, but a superb meal as well. This generosity is unheard of, and many officers remarked how humbled they were by Officer Robinson's act of charity and kindness.

Officer Robinson's friends and co-workers will remember him for these acts of generos- ity and compassion. His humble nature and patient endurance serve as an example to us all of how to face life and difficult cir- cumstances with grace, courage, and thoughtfulness. He will be missed not only for his pleasant demeanor and positive atti- tude, but for the tremendous influence for good that his mere presence infused into the lives of everyone. One officer has remarked recently that Officer Robinson was too good for this world. Perhaps we can all learn from Officer Robinson how to live lives that honor those around us. His legacy to the men and women of the Capitol Police calls us to righteousness and servanthood, hallmarks of not only a good police officer, but of a good human being.

INTRODUCTION OF THE EMPLOYEE PENSION PORTABILITY AND AC- COUNTABILITY ACT

HON. RICHARD E. NEAL
OF MASSACHUSETTS

Wednesday, April 1, 1998

Mr. NEAL of Massachusetts. Mr. Speaker, today I am introducing extremely important legislation that will benefit working Americans. The focus of this legislation is pensions. Pen- sions are an integral part of retirement. Retire- ment can be compared to a three legged stool and the three legs are savings, pensions, and Social Security.

We are beginning to face what has been commonly referred to as the "graying of Amer- ica." Within thirty years, one our of every five Americans will be over age sixty-five. In thir- teen years, the baby boomers will begin turn- ing sixty-five. The baby boomer generation consists of 76 million members and will result in the number of Social Security beneficiaries doubling by the year 2040.

In the near future, we need to address So- cial Security, but in the immediate future Con- gress should take action to improve our cur- rent pension system. Last Congress, Con- gressman THOMAS and I worked on "Super IRA" legislation and many of these proposals were included in the Taxpayer Relief Act of 1997. Expanding individual retirement ac- counts (IRAs) will help many save for their re- tirement.

The Taxpayers Relief Act of 1997 created the Roth IRA which has made IRAs more available to millions of taxpayers. The re- sponse has been overwhelming. The Tax- payer Relief Act has jump-started IRAs and we need to do the same for pensions.

Forty percent of retirement income comes from Social Security. Nineteen percent comes from pensions and the rest comes from individ- ual savings. We need a more balanced ap- proach. Pensions should provide for more than 19 percent of savings. We need to make individuals more responsible for their retire- ment.

Our society has changed and this includes the workplace. It is now more common for in- dividuals to change jobs than to stay with one firm for an entire career. This makes it ex- tremely important for us to address pensions and especially the issue of portability. Chang- ing jobs should not drastically affect one's pension.

Millions of Americans have no pension ac- cess to retirement plans. Only half of full-time, private sector workers participate in an em- ployer-sponsored pension plan. This results in 51 million American workers who have no pension plan. Pension coverage has only in- creased to 50 percent in 1993 from 48 percent in 1983.

Small businesses are less likely to have pensions than large businesses. While only thirty percent of firms that employ between 25 and 49 employees have pensions, more than three percent of firms that employ over 100 employees have pensions. Only 85 percent of Americans making below $10,000 a year have pension coverage. Fewer women receive pen- sions than men. The percentage of the workforce covered by a pension has stagnated in the last 20 years. Many firms cite complexity and start-up costs as major reasons for not offering pensions.
Portability is an issue that must be addressed as we improve our pension system. Five million people with pension coverage change jobs every year. Many workers lose out on their pensions because they leave their jobs before their pensions vest.

President Clinton's budget for FY 1999 included comprehensive pension proposals. The proposals are aimed at making it easier for employers to offer pensions and for employees to retain pensions when switching jobs. The President's proposals are targeted to promoting pension plans among small businesses. These proposals build on past efforts of the President and Congress to simplify pensions. The President's measures would boost private pensions and individual retirement savings. I applaud President Clinton for addressing pensions in a timely manner.

Today, I am introducing "The Employee Pension Portability and Accountability Act of 1998" which is based on the President's pension proposals. I have made one change to the President's proposals as described in the budget and also in testimony submitted to the Ways and Means Oversight Subcommittee. I have decided to make our change to the SMART plan and I will go into more detail later.

This legislation will enhance workers' ability to contribute to an IRA by payroll deduction. The bill will provide a tax credit for small businesses with fewer than 100 employees for the start-up costs of a pension plan.

The legislation creates a new simplified defined benefit pension plans for small businesses with fewer than 100 employees called the SMART plan. Section 2. Payroll Deduction for Retirement Savings

This section is intended to promote increased retirement savings among employees. Employees could elect to have contributions withheld during the year from their paychecks and contributed to an IRA. Under this section, employees who are eligible for a deductible IRA, could not contribute more than 20 percent of their compensation withheld by their employer and deposited in their IRA. These IRA contributions generally would be excluded from taxable income. The contributions are deducted from the employee's income tax return. However, the amounts would be subject to employer taxes (FICA) and would be reported as contributions to the IRA on the employee's Form W-2. If at the end of the year, the employee is determined not to be eligible for any portion of the $2,000 contribution, the entire withdrawal is required to be treated as income for that taxable year.

The legislative history under this section also would clarify that employees not eligible for a deductible IRA could make payroll deductions of tax amounts as contributions to a non-deductible IRA or Roth IRA. Such an arrangement would not constitute the employer plan.

The provision would be effective for taxable years beginning after December 31, 1998.

Section 3. Credit for Pension Plan Startup Costs of Small Employers

The credit provided under this section is intended to be an additional incentive to employers, especially small employers, who may not otherwise establish a plan because of high start-up costs. Under this section, the employer could claim a credit for up to three years after establishing a new qualified defined benefit plan or defined contribution plan, a 401(k) plan, a SIMPLE, SEP, or IRA payroll deduction arrangement. The credit for the first year of the plan is 50 percent of up to $2,000 in administrative and start-up costs. For the second and the third year, the credit would be 50 percent of up to $1000 of start-up costs.

For purposes of the credit, an eligible employer is one whose employer matched contributions were no more than 100 employees in the preceding tax year and the compensation of each employee was at least $5,000 for the year. The employer would be permitted to elect a benefit that the employer did not have a retirement plan prior to establishing the new plan. In addition, the new plan must cover at least 2 employees, and must be made available to all employees who have worked with the employer for at least three months.

The credit is effective beginning in the year of enactment and would be available only for plans established on or before December 31, 2000. Thus, if an eligible employer established a plan in the year 2000, the credit would be available for the years 2000, 2001, and 2002.

Section 4. Secure Money Annuity or Retirement (SMART) Trusts

This section creates a simplified defined benefit plan and a simplified defined contribution plan. Both of these plans, like most other pension plans, would be trusted by the plan. Contributions would be accumulated tax-free, and distributions would be accumulated tax-free, and distributions at the time of distribution would be subject to income tax (unless rolled over). Participants would be guaranteed a minimum annual benefit, but the account balance would be subject to income tax (if rolled over). If the plan meets certain requirements, the employee would be paid a minimum benefit upon retirement which would be equal to 1 or 2 percent of the employee's compensation plus a minimum rate of return of 5 percent. The minimum annual benefit is computed based on the employee's average compensation with the employer, the number of years worked, and the percentage of the contribution credited to the plan. The Pension Benefit Guarantee Corporation (PBGC) would provide insurance to ensure the payment of the guaranteed benefit.

Employee would immediately vest in the benefits contributions made and earnings that accrue under the plan. Benefits in the account would be treated as all other qualified pension plans, i.e. the contributions or earnings would not be taxable to the employee in the year made (or earned) and the employer would be permitted to deduct currently the contribution made to the plan. Distributions from the plan would be taxable to the employee upon distribution except where the balance is directly rolled over from a SMART plan to another SMART plan by the trustee of the plan.

The provision would be effective for calendar years beginning after December 31, 1998.

Section 5. Faster Vesting of Employer Matching Contributions

This section changes the vesting requirements for employer contributions. Under current law, employer matching contributions vest after either 5 years cliff vesting or 7 years graded vesting. In cliff vesting, an employee becomes fully vested (i.e. full rights) to employer contributions after the employee has completed five years of service with the employer. If the years of service are less than 5 years the employee does not vest to any portion of contributions. Under 7-year graded vesting, the employer must match contributions in increments of 20 percent, which begins after the employee completes three years of service, and is fully vested after seven years of service. In this provision, the 5-year vesting and 7-year vesting schedules would be modified to provide for 3-year cliff vesting and 6-year graded vesting. Thus, an employee vests after the employer has completed two years of service. The vesting schedules would apply for all

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The credit is effective beginning in the year of enactment and would be available only for plans established on or before December 31, 2000. Thus, if an eligible employer established a plan in the year 2000, the credit would be available for the years 2000, 2001, and 2002.

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Section 9. Treatment of Multiemployer Plans  
Under Section 415
This section would repeal the 100 percent-of-compensation limit, but not the $300,000 limit for such plans, and exempts certain survivor and disability benefits from the adjustments for early commencement and participation and service of less than 10 years. This provision is effective for plan years beginning after December 31, 1998.

Section 10. Full Funding Limitation for Multiemployer Plans  
This Section would eliminate the limit on deductible contributions based on a specified percentage of compensation. The annual deduction for contributions to such a plan would be limited to the amount by which the plan's accrued liability exceeds the value of the plan's assets.

This provision would be effective for plan years beginning after December 31, 1998.

Section 11. Elimination of Partial Termination Rules for Multiemployer Plans  
Under current law, when a qualified retirement plan is terminated, all plan participants are required to become 100 percent vested in all their accrued benefits to the extent those benefits are funded. In the case of certain "partial termination" that is not actual termination, all affected employees must vest in their accrued benefits accrued to the date of the termination, to the extent the benefits are funded. Partial terminations generally occur when there is a significant reduction in workforce covered under any qualified plan.

This provision repeals the requirement that affected participants become 100 percent vested in their accrued benefits upon the partial termination of qualified multi-employer retirement plans.

This provision would be effective for partial termination beginning after December 31, 1998.

REFORM OF THE IRS  

HON. BOB SCHAFFER  
OF COLORADO
IN THE HOUSE OF REPRESENTATIVES  
Wednesday, April 1, 1998

Mr. BOB SCHAFFER of Colorado. Mr. Speaker, through you, I'd like to address a few words when it comes to collecting taxes, the Internal Revenue Service (IRS) is a profuse, ruthless, and relentless agency squeezing every subject for the government's due, and then some.

Last month the president called "irresponsible" and "reckless" the several efforts by Republicans in Congress to reign in the IRS. These reforms entail restoring taxpayer rights, curbing IRS abuses, and ultimately rebuilding a sense of fairness in America's tax policy.

Furthermore, Congressional reformers are seeking to turn the tables on the IRS by burdening the bureaucracy with justifying its policies before proceeding on its confiscatory mission.

The debate in Washington, D.C. is centered on the differences between those who demand dramatic improvements and those content to merely tinker with the tax code.

Meanwhile, Americans will spend a combined 5½ billion hours this year working to comply with our current tax system.

April is tax month, a time to reflect on the financial cost of citizenship. The federal budget tops $1.7 trillion this year.

In spite of the Capitol Hill hoopla about a supposed federal budget surplus, the total federal debt has recently surpassed $5.5 trillion and continues to grow. In fact, during the time separating the delivery of President Clinton's 1997 State of the Union address and his 1998 version, the debt grew an incredible $185 billion.

The IRS employs 114,000 agents who churn out eight billion pages of forms and instructions mailed to Americans every year. Even the simplest form, the 1040 EZ, has 33 pages of fine-print instructions. Over 300,000 trees were harvested just to produce the paper for these missives.

In Congress, I've joined the growing crowd calling for wholesale reform of the IRS. For example, I'm backing efforts to repeal the death tax (estate tax), to abolish the marriage penalty, and to further eliminate taxes which discourage investment and savings.

I'm also calling for a sunset of the IRS tax code by December 31, 2001. This unprecedented act would force the IRS and Congress to agree on a fair, simpler tax law. The "sunset" provision would answer the customary political gridlock in Congress with the promise to pull the IRS out by its roots until leaders can agree to cut taxpayers ahead of bureaucrats.

Taxation is unavoidable. However, tax fairness and simplicity are features upon which Americans should insist.
at the polls. Under this bill, if a poll worker in California, Florida, Illinois, New York or Texas chooses to challenge the eligibility of a person coming to vote, that poll worker can do so. Conveniently, these are the states where the majority of our nation’s Hispanics live. This is the United States of America. When a person comes to vote, they should not be expected to jump through hoops, clear hurdles or be hindered in any other way. And the Immigration and Naturalization Service should not have to confirm for a poll worker that a citizen wishing to vote is actually a citizen.

There’s always a good reason why anyone does something. And then there’s the real reason. This is a Republican ploy to keep certain constituencies from the ballot box. This bill is a dressed up 90’s version of the poll tax—designed to clearly intimidate Hispanics and other minorities into staying away from the polls—and it betrays the Privacy Act and the Voting Rights Act.

Mr. Speaker, I urge my colleagues to vote against this bill for many reasons. First, it would shut the door to voting rights of any person a poll worker chooses to challenge. Second, raising the annual contribution limit for individuals from $25,000 to $75,000 looks to me like a sweetheart deal the Republicans are making with their wealthy donors. Third, it would place restrictions to get written consent from their members before the unions can spend union dues money on political activities. This is one more back door effort by the Republicans to bust the unions. I urge my colleagues to vote against HR 3485, and against the upcoming bill entitled “Paycheck Protection Act,” which is a union-busting bill.

These bills do nothing to truly reform our campaign finance system.

IN SUPPORT OF HOUSE CONCURRENT RESOLUTION 247

HON. LINCOLN DIAZ-BALART
OF FLORIDA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, April 1, 1998

Mr. DIAZ-BALART. Mr. Speaker, I rise today in support of House Concurrent Resolution 247. This bill, in a small way, recognizes what the Reverend Dr. Martin Luther King, Jr. has contributed to the civil society of the United States and to the world. In a sense, this bill outlines what we owe to Dr. Martin Luther King for the lessons he taught us on how to change our world and how to bring about justice. Dr. King’s life and his work are a powerful example to all people who care about freedom, justice and equality.

Dr. Martin Luther King loved this country. Dr. King’s America was not perfect, but he envisioned a day when it would be perfect. The America he lived in was not perfectly just, but he saw a day when Justice would be given to all. Not everyone in Dr. King’s America was free, but in his mighty and prophetically dream, he saw a day when Justice would be free from every mountaintop and on that day—as he promised—all of God’s children, black men and white men, Jews and Gentiles, Protestants and Catholics, will be able to join hands and sing in the words of the old Negro spiritual, “Freedom, I'm going to live at last! Thank God Almighty, we are free at last!”

Dr. King loved this country because he believed in its promise to all people who make it their home. Dr. King was a man of faith who believed that Our Creator has endowed us with certain and unalienable rights to life, liberty, and to the pursuit of happiness. It is a sad fact in our nation’s history that these unalienable rights were not always recognized and not always freely granted. Dr. King was like a prophet of old crying in the wilderness. His messagened, that Justice and Freedom are worth fighting for.

But the battles he called us to were not to be fought in the streets with armed struggle and violence. The war that Dr. King waged was not for military dominance or political power, but for the hearts and minds of all who would hear his message. He called on Americans to rise above selfishness and personal ambition, to rise above anger and hate, and to establish Justice and Freedom through non-violent political action and change. His tactics in this war were founded on his deep conviction that morally there was right and there was wrong. It was immoral to segregate people by race and to hate someone because they have a different color. It was immoral to subjugate other people. It was immoral to financially support institutions that participate in subjugating others.

Mr. Speaker, these things are still immoral. There are still rights that need to be wronged. There are still people living in this world who are oppressed and who are not free. We need look no farther than 90 miles off our shore to see a country where a tyrant rules and the call to freedom is quickly and brutally silenced.

Mr. Speaker, this bill calls on Americans to celebrate the life of Dr. King. This call to celebrate Dr. King’s life and contributions comes 30 years after he was gunned down in Memphis, Tennessee. Thirty years go, Dr. King was in Memphis supporting the striking city’s sanitation workers exercise of their right to assemble, their right to free speech, their right to determine their own destiny, their basic right to life, liberty, and the pursuit of happiness.

On April 3rd, 1968, thirty years ago this week, Dr. King stood in the Bishop Charles Mason Temple and called on all within earshot to stand together with greater determination. He called on all to move together through the days of challenge to make America what it ought to be. If he was assassinated the day before death the next day, he called for perseverance and patience in the face of opposition. And he left us with hope. Hope that his dream of an America where Freedom rings and Justice is established throughout the land would one day be at hand.

There is work yet to be done. We should all stand together through the days of challenge because America—while great among all nations of the world and history—has greater days to come.

Mr. Speaker, I have joined with my colleagues to sponsor this bill because I deeply believe that all peoples living under tyranny and oppression must be able to make their voices heard. I too have a dream that all peoples one day must live in a just, equal, and free world. I urge my colleagues to vote for this bill and to call on the people of the United States to study, reflect on, and celebrate Dr. King’s life and ideals in order to fulfill his dream of civil and human rights for all people.
Township reflect on their past—they can be 150 years. It is through the dedication and seizing its opportunities with both hands. To refuse none of its challenges, and to evade its risks, overcome its difficulties, and none of its responsibilities; but to go forth to complete this important project. Today, the historic village, they joined as a community to preserve and protect its rich history. Bridgeport Township's motto is "A Community Living and Growing Together." This is a fitting motto because time and time again the residents have worked together to improve their community. When the old school building was going to be torn down—the citizens of Bridgeport Township worked together to save the historic building. In theory, any remaining students were required to leave their classrooms and pursue their regular studies elsewhere in the school building. In practice, James McCollum was the only student in his class who did not attend the religious instruction. He was sent to the principal's office or made to sit at the detention desk for problem students out in the hall—as though he were being punished. The family was also subject to ostracism. They became outcasts in Champaign, and the children, particularly James, were harassed. The family cat was killed, and once, on Halloween, the family answered the door to trick-or-treaters only to be pelted with garbage. The verbal abuse grew so great that when James got to junior high, he moved to Rochester, N.Y., to live with his grandmother and go to school there. According to James, now a retired attorney, his mother worked at the University of Illinois, but when it became known that she had brought this lawsuit, she was fired.

Unfortunately, this sort of situation is far from a thing of the past. Many of my colleagues may remember the testimony of Lisa Herdahl whose family challenged prayers and religious Bible instruction in the public schools in Pontotoc County, Mississippi. The Herdahl children were harassed at school and singled out by teachers and other students. The family was subject to community protests and hostile newspaper coverage. After school officials ignored the Herdahl family's requests to put an end to the coercive practices, People for the American Way, the ACLU of Mississippi, filed suit in federal court, citing the McCollum case among others. Two years ago, a federal judge ruled against the school district, and school officials decided not to appeal. We are often urged to blur, or even eliminate, the line that has long separated church from state. But experience shows us that when we allow this to happen, the rights of individuals and Americans are trampled by the majority. The purpose of the "wall of separation" is not to protect government from religious, as it is often alleged, but to protect religion, and particularly the individual religious beliefs of all Americans from government. When some in the majority attempt to use the power of government, in these cases against children required by law to be present in school, to further their own sectarian goals, the hand of government will inevitably be coercive. If religious freedom is to have any meaning at all, it must be that no one should ever be allowed to use the power of government to coerce another citizen, especially a vulnerable and impressionable child, on matters of faith. Justice Hugo Black wrote in his opinion in McCollum, "The First Amendment rests upon the premise that both religion and government can best work to achieve their lofty aims if each is left free from the other within its respective sphere." The hard and bitter experiences of families, like the McCollum family fifty years ago, and the Herdahl family in this decade, is that the authors of the First Amendment were right to keep government away from religion, the Court was right in remaining true to the principle, and it would be a terrible mistake for Congress to ignore the lessons of history and wisdom of our Bill of Rights. I urge the members of this Congress will defend our American principle of eternal separation . . . is one of the vital reliances of our Constitutional system for assuring unities among our people stronger than our diversities. I hope the members of this Congress will defend our national unity, the rights of all Americans, and leave the First Amendment the way it is.

HONORING THE SESQUICENTENNIAL OF BRIDGEPORT TOWNSHIP

HON. DAVE CAMP
OF MICHIGAN
IN THE HOUSE OF REPRESENTATIVES
Wednesday, April 1, 1998

Mr. CAMP. Mr. Speaker, it is with great pride that I rise today to recognize the Sesquicentennial of Bridgeport Township, Michigan. This community was founded on April 4, 1848 and is currently Michigan's oldest charter township. In April of 1848 Bridgeport Township's population was 15, today there are 9,158 residents. Although the township has grown, Bridgeport Township has worked hard to preserve and protect its rich history. Bridgeport Township's motto is "A Community Living and Growing Together." This is a fitting motto because time and time again the residents have worked together to improve their community. When the old school building was going to be torn down—the citizens of Bridgeport Township worked together to save the historic building. Today, it stands in the township's historic village and is used by classes each year. When they needed a Gazebo constructed in the historic village, they joined as a community to complete this important project. Today, the gazebo is used for musical events and other gatherings.

John Oldham said:

To live is to meet life eager and unafraid—to refuse none of its challenges, and to evade none of its responsibilities; but to go forth daily with an adventurous heart to encounter its risks, overcome its difficulties, and seize its opportunities with both hands.

This is how the community of Bridgeport Township has met each day during the past 150 years. It is through the dedication and hard work of many generations that this community gathers to celebrate 150 years of prosperity and very special memories.

On Saturday, as the citizens of Bridgeport Township reflect on their past—they can be very proud of how their community started and where it is today. It is a special, caring community that has grown without sacrificing their special heritage.

McCollum v. Board of Education: A Milestone for Religious Freedom

HON. JERROLD NADLER
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Wednesday, April 1, 1998

Mr. NADLER. Mr. Speaker, I rise today to mark the 50th anniversary of the Supreme Court's decision in the case of McCollum versus the Board of Education of School District No. 71, in which the Court clearly expressed the importance of maintaining the separation of church and state. As the Congress considers a proposed constitutional amendment which threatens that important principle, I urge every member of this House to read the Court's decision. It clearly illustrates how the separation of church and state, enshrined in the First Amendment, protects the fundamental rights of free conscience and religious liberty.

The McCollum family had a son attending the four-year-old Champaign-Champaign Township High School in Champaign, Illinois. The Champaign school district allowed a local private organization, the Champaign Council on Religious Education, to send religious teachers into the public school during regular school hours. Students were released from regular classes to attend private religious instruction in the public school building.

In theory, any remaining students were required to leave their classrooms and pursue their regular studies elsewhere in the school building. In practice, James McCollum was the only student in his class who did not attend the religious instruction. He was sent to the principal's office or made to sit at the detention desk for problem students out in the hall—as though he were being punished.

The family was also subject to ostracism. They became outcasts in Champaign, and the children, particularly James, were harassed. The family cat was killed, and once, on Halloween, the family answered the door to trick-or-treaters only to be pelted with garbage. The verbal abuse grew so great that when James got to junior high, he moved to Rochester, N.Y., to live with his grandmother and go to school there. According to James, now a retired attorney, his mother worked at the University of Illinois, but when it became known that she had brought this lawsuit, she was fired.

Unfortunately, this sort of situation is far from a thing of the past. Many of my colleagues may remember the testimony of Lisa Herdahl whose family challenged prayers and religious Bible instruction in the public schools in Pontotoc County, Mississippi. The Herdahl children were harassed at school and singled out by teachers and other students. The family was subject to community protests and hostile newspaper coverage. After school officials ignored the Herdahl family's requests to put an end to the coercive practices, People for the American Way, the ACLU of Mississippi filed suit in federal court, citing the McCollum case among others. Two years ago, a federal judge ruled against the school district, and school officials decided not to appeal.

We are often urged to blur, or even eliminate, the line that has long separated church from state. But experience shows us that when we allow this to happen, the rights of individuals and Americans are trampled by the majority. The purpose of the "wall of separation" is not to protect government from religious, as it is often alleged, but to protect religion, and particularly the individual religious beliefs of all Americans from government. When some in the majority attempt to use the power of government, in these cases against children required by law to be present in school, to further their own sectarian goals, the hand of government will inevitably be coercive. If religious freedom is to have any meaning at all, it must be that no one should ever be allowed to use the power of government to coerce another citizen, especially a vulnerable and impressionable child, on matters of faith. Justice Hugo Black wrote in his opinion in McCollum, "The First Amendment rests upon the premise that both religion and government can best work to achieve their lofty aims if each is left free from the other within its respective sphere." The hard and bitter experiences of families, like the McCollum family fifty years ago, and the Herdahl family in this decade, is that the authors of the First Amendment were right to keep government away from religion, the Court was right in remaining true to the principle, and it would be a terrible mistake for Congress to ignore the lessons of history and wisdom of our Bill of Rights.

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INTRODUCTION OF SCHOOL CONSTRUCTION BONDS LEGISLATION

HON. BOB ETHERIDGE
OF NORTH CAROLINA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, April 1, 1998

Mr. ETHERIDGE. Mr. Speaker, I rise today to announce the introduction of my legislation to assist fast-growing states to build new schools, reduce class sizes and overcrowding and foster an orderly and disciplined learning environment. I urge my colleagues to join me in signing on to this important legislation.

Mr. Speaker, I am proud of Carolina's schools. I know firsthand how important quality facilities are to our children's education. The General Accounting Office has identified more than $112 billion in school construction needs across the country. The Secretary of Education has reported that the "Baby Boom" will create an "exodus" in the school-age populations in many states over the next ten years. Congress must assist these states to meet their school construction needs of the coming decade.

My bill will create $7.2 billion in school construction bonds over the next ten years. The school bonds will be allocated to the states based on the growth we know they will experience in the coming decade. The Etheridge bill

April 2, 1998 CONGRESSIONAL RECORD — Extensions of Remarks E 583
will complement the Administration’s $19.4 billion school construction initiative by targeting resources to growing states. My bill is fully paid for using the offset others would use to fund the misguided Coverdell private school voucher scheme.

The simple fact of the matter is that our growing states need help to build quality schools in which to educate our children. This Congress must do its part to assist the states that have the greatest needs. My bill targets resources to the states that will experience the greatest growth over the next decade. The Elderidge bill invests more than $100 million each to the top 17 fastest growing states; slower growing states will qualify for lower amounts. My state of North Carolina will qualify for about $360 million in school construction bonds under this legislation.

No child in America should be forced to attend class in a trailer, a closet or any other substandard facility. The Elderidge bill will help address this problem, and I urge my colleagues to cosponsor this bill.

IT’S OUR MONEY, NOT THEIRS!

HON. BOB SCHAFFER
OF COLORADO
IN THE HOUSE OF REPRESENTATIVES
Wednesday, April 1, 1998

Mr. BOB SCHAFFER of Colorado. Mr. Speaker, processing salmon on a cannery slime line was probably the best job preparation I’ll ever receive for my stint in the U.S. Congress. Making laws is never pretty either.

Standing boot deep in fins, fish heads, and entrails, trying to keep up with the conveyor belt, my team routinely exceeded our production goals. In the end, we made a fine product, and our Alaskan employer succeeded in running a good business—despite the bloody mess.

That was my first job out of college. I paid my way through school as a lifeguard, a farm hand, a referee and umpire, a night clerk at an apartment complex, and as a retail worker. During holidays, I filled in for a vacationing heating and air contractors’ assistant, and conducted public opinion polls for local governments and community boards.

Upon graduation I worked a few more jobs before being asked, at a relatively young age by local leaders, to fill a vacancy in the state Senate. In addition to the cannery job, I worked as a carpet layer, in food service, as a legislative researcher, a corporate and political speechwriter, and press secretary. I later ran my own marketing business for six years too.

But, throughout all my work, entrepreneurial and investment experiences, I’ve been confronted with the same disappointment—high taxes.

Each time I forked over more of my earnings to the government, I realized that, if I ever got the chance, I’d work even harder to put the priorities of wage-earners ahead of the tax collectors.

This month, millions of Coloradans will labor through the time-consuming and stressful task of preparing tax returns to answer the government’s deadline of April 15th. The average family will endure a local, state, and federal tax burden of an incredible 40 percent of income for 1997.

This year, Americans will spend a combined 5½ billion hours working to comply with our tax system. Meanwhile, the 114,000 employees of the Internal Revenue Service (IRS) are toiling too. They must, in order to churn out and process the 8 billion pages of forms and instructions taxpayers will need in order to stay above the tax collectors.

This is why, in my first year in Congress, I cosponsored and voted for two of the most important pieces of tax legislation in decades: The Taxpayer Relief Act of 1997, providing the first net tax cut in 16 years; and the IRS Restructuring and Reform Act of 1998, getting us a step closer to reining in one of the most abusive federal agencies, and setting us up to scarp the entire tax code in favor of one that is fairer, flatter, and simpler.

Indeed, this is one goal I will be pursuing further this month along with my friends at the National Federation of Independent Business (NFIB)—the nation’s largest small business advocate. I’ve been a proud NFIB member myself for many years.

On April 15th, NFIB will sponsor national “It’s Our Money, not THEIRS” Day. The plan is to gather one million signatures on petitions calling upon the president and Congress to “abolish the IRS Code as of December 31, 2000, and to propose to the American people for our consideration a simpler, fairer tax code which will reward work and savings.”

Paying taxes is never pretty. Some would say the tax code is a bloody mess. Thanks to the NFIB, taxpayers will have a chance to send a forceful tax message to the government: “Fish or cut bait!”

To volunteer for the 15th Day, or to obtain petitions, call me, see any other NFIB small business member, or call toll free 1–888– NOT4IRS.

INTRODUCTION OF THE CHILD NUTRITION AND WIC REAUTHORIZATION AMENDMENTS OF 1998

HON. MATTHEW G. MARTINEZ
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, April 1, 1998

Mr. MARTINEZ. Mr. Speaker, today I am pleased to introduce the Child Nutrition and WIC Reauthorization Amendments of 1998 on behalf of the Administration. For the first time in nearly 20 years, the Executive Branch has transmitted to the Congress a bill to reauthorize our Child Nutrition programs and the Special Supplemental Nutrition Program for Women, Infants and Children (WIC) program. This legislation, over five years, simplifies and streamlines program operations, provide access to qualified participants, helps to ensure program integrity and improves food safety. I am happy to sponsor this bill and strongly encourage my colleagues to support it as well.

The Child Nutrition Programs and the WIC Program are absolutely critical to our Nation’s future. There is no question of the need to reauthorize the expiring programs and, where we can, improve access, eliminate unnecessary paperwork, and reduce the chance for abuse. I believe the Administration bill moves us toward these goals and is an excellent starting point as we begin our efforts to reauthorize these programs.

Among the many improvements in the legislation, the bill would:

Give authority for an after school program in the Child and Adult Care Food Program for at risk youths between the ages of 12–18; this is a critical provision as so many children need a positive and supportive after school option since the highest instances of juvenile crime occur during the hours immediately following the end of the school day and the dinner hour;

Require schools to make every effort to establish adequate time for kids to eat school lunches in a “child friendly” atmosphere ensuring good nutrition;

Authorize Nutrition Education and Training grants based on $50 per child per year with a minimum of $75,000 per state;

Give authority for USDA to pay for the cost of removing any foods that have been found to be unhealthy or contaminated;

Require that food service operations of participating schools be inspected for health and safety;

Increase the number of sites and children that can be served by non-profit sponsors in the Summer Food Service Program;

Improve management of the WIC program with changes in how states can manage “spend forward” funding and documentation of income for WIC participants;

Tighten penalties on vendors who violate the rules for participation in the WIC program.

There are a number of other provisions in the bill that I will not discuss at this point, but are designed to improve program operations. On whole, the bill represents a balanced and thoughtful approach to improving the programs at a time when budgets are very tight and tough choices must be made about where to spend our limited resources.

There is one provision of this legislation regarding the WIC program which I cannot support and another for which the Ranking Member and I are concerned. First, the bill would require that the Secretary of Agriculture propose regulations to verify the income of WIC participants. I cannot support this provision because I believe it would drive legitimate recipients out of the program and would add to the administrative burdens on WIC clinics when it is not at all clear that much improvement in accountability would be obtained. Recent testimony before the Education and Workforce Committee reinforces my belief that this provision is not necessary and should not be included in the final bill which Congress sends to the President. Second, the bill would terminate the Secretary’s authority to administer the very small segment of child nutrition programs, which certain states do not presently administer for a variety of reasons, at the USDA Regional level. The Ranking Member and I are committed to closely examining this proposal as we proceed through the reauthorization process and ensure that, if enacted, it will not jeopardize the nutritional meals and snacks which children presently receive under these programs.

I am looking forward to working with the Department of Agriculture, and Under Secretary Shirley Watkins, and my colleagues here in the Congress to enact the positive features of this legislation and other beneficial provisions as we work to improve our child nutrition programs through this reauthorization.
COURT NEAL . HINCHER

THE HOUSE OF REPRESENTATIVES

Wednesday, April 1, 1998

Mr. HINCHER. Mr. Speaker, I am rising to speak today to commemorate the 50th anniversary of the chartering of Veterans of Foreign Wars Post 9588, the Bailey-Richman Post, in Monticello, New York. The Post was chartered on April 4th, 1948 at the Grange Hall in Monticello and was recently honored by the National Headquarters of the VFW with a Golden Anniversary Citation. It is an honor they justly deserve. I would like to also commemorate and honor the Post's long history of public service and commitment to their community in Sullivan County. The wonderful men and women of this post have given so much to us all in times of war and in times of peace and I want them to know that their contributions are deeply felt and greatly appreciated. I ask all of my colleagues to join me in celebrating the upcoming 50th anniversary of the Bailey-Richman VFW Post 9588.

30TH ANNIVERSARY OF THE FAIR HOUSING ACT

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 1, 1998

Mr. KILDEE. Mr. Speaker, it is truly an honor to rise before you today to commemorate the 30th anniversary of the Fair Housing Act by designating the month of April as Fair Housing Month in Flint, Michigan.

Michigan, and the City of Flint in particular, has a long history of promoting fair housing. In February, 1968, the citizens of Flint voted to adopt the first open-housing ordinance in the country. As a member of the Michigan State Legislature, I introduced the very first Open Housing Act which outlawed housing discrimination in Michigan. In my many years of public service, I have continued the fight for fair and equitable housing because I believe our country must grant every person an equal chance to succeed in America.

The Fair Housing Act of 1968 celebrates its anniversary this year with the distinction of being one of the most successful civil rights laws in history. Thanks to the cooperation and support of hundreds of state and local governments, more and more Americans are enjoying the simple freedom of choosing where to live.

The Fair Housing Act was enacted in 1968, shortly after Dr. Martin Luther King, Jr’s assassination. The Act bars housing discrimination on account of race, color, religion, sex, disability, family status and national origin. The Act covers the sale, rental financing and advertising of almost all housing in the nation.

Mr. Speaker, although we have made significant strides in combating housing discrimination, we still have a long way to go. It is illegal, immoral and intolerable and it has no place in our present or future. During this month of observance of the 30th anniversary of the Fair Housing Act, let us work together to preserve the principles of this important legislation by eliminating discrimination and ensuring that all Americans are afforded the opportunity to live with dignity and pride.

TRIBUTE TO EPSILON KAPPA

HON. NYDIA M. VELOZ

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 1, 1998

Ms. VELOZ. Mr. Speaker, I rise today to pay tribute to Epsilon Kappa, St. John's University's Chapter of Sigma Delta Pi, the National Collegiate Hispanic Society which, for seventy-seven years has been promoting Hispanic culture and language in the United States. In light of the fact that we are honoring Hispanic heritage and culture, I am choosing to make this tribute in my native language, Spanish.

(Ms. VELOZ submitted two paragraphs in Spanish.)

Successful organizations like this cannot promote themselves alone. They need the guidance and vision of talented leaders like Professor Marie-Lise Gazarian-Gautier, a renowned scholar in literature at St. John’s University, Coordinator of the Graduate Spanish Program and Moderator of Epsilon Kappa. St. John’s Chapter of Sigma Delta Pi, Dr. Gazarian is affiliated with universities in Paris-France, Moscow-Russia, and Santiago the 1945 Chilean Nobel Prize Laureate. She is also author of several books, among them: “Gabriela Mistral: La maestra de Elqui.” In addition, she serves as Foreign Correspondent for several literary journals abroad and has hosted a nationwide series on “Contemporary Hispanic Fiction” produced by WCBS-TV and St. John’s Television Center. In 1996 she was appointed Judge of the Selection Committee for the Poet Laureate from Queens. She currently serves as Vice President for the North-East of Sigma Delta Pi.

Mr. Speaker, I ask my colleagues to rise with me today in honor of the seventy-seven anniversary of Sigma Delta Pi and the invaluable contribution its chapters are making to our Hispanic culture and society throughout the United States. We wish Sigma Delta Pi continued success and recognize St. John’s University’s Chapter, Epsilon Kappa, for its outstanding work in promoting Hispanic culture in America.

FORMER CONGRESSWOMAN BELLA ABZUG

HON. JERROLD NADLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 1, 1998

Mr. NADLER. Mr. Speaker, yesterday, I came to the floor bearing the unfortunate news that former Congresswoman Bella Abzug had died. I would now like to take this opportunity to say a few words about our colleague, who affected this House and this nation deeply.

Bella Abzug was a woman ahead of her time. I am not the first to come to this conclusion, and I am certainly not the only person who will point out this fact as the world reflects on this loss. So perhaps it is fitting to go one step further, and say: Bella Abzug was not only a woman ahead of her time. She was a woman who ushered in a new time.

I don’t think it is unreasonable to say that Bella Abzug changed the way Americans think about female politicians, and for a very uncomplicated reason: she made us do it. She was not afraid to demand respect where she deserved, and I think maybe the perfect example of that comes from a story she told about why she started wearing her trademark hats.

“When I first became a lawyer,” she said a few years ago, “only about 2 percent of the Bar was women. People would always think I was a secretary. In those days, professional women in the business world wore hats. So I started wearing hats.” And as we all know, she never stopped.

But Bella Abzug didn’t go into politics out of personal ambition. One of the fundamental things about her, maybe her defining element—beneath the character, beneath the voice, beneath the hats—was her tireless social conscience. She had no time for typical politicians, and even less time for politics as usual. And not only was she driven to do the right thing, but she demanded the same of everyone she came in contact with.

I remember that whenever I would talk to her, she would say to me, “Are you doing enough? Are you doing enough?” And then, occasionally, almost begrudgingly, she would say, “Well, you’re doing okay.” I would leave our conversation feeling as if I had received the greatest compliment one could ever receive.

That is one of my memories of Bella, and I am sure many Members of Congress have others they would like to share. That is why we will be holding a Special Order following the upcoming district work period, where I invite our colleagues with memories to share to come forward, and to give to former Representative Azbug the tribute which is surely due.

Finally, regarding my colleague I can only conclude with this: when Bella Abzug left the House of Representatives, this chamber became a poorer place. Likewise, yesterday the world became a poorer place, though all of us are richer for having experienced Bella’s presence.

REFORMING BILINGUAL EDUCATION

HON. FRANK RIGGS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 1, 1998

Mr. RIGGS. Mr. Speaker, today I am introducing legislation to reform the federal bilingual education program to insure its primary focus is on teaching children English.

English is our official common and commercial language. Our goal should be that every child in America entering Kindergarten will be able to read and write English by the end of the First Grade. Other students should be expected to master English within two academic years.

Over the past few years, there has been a growing amount of evidence that bilingual education classes—those using a child’s native language in instruction—are having a harmful impact on our Nation’s English language.
The parents of these children did not bring them to our country to be relegated to low paying jobs. They brought them here to have the same opportunity for success as all other children. They want for their children the opportunity for them to become doctors, lawyers, teachers or whatever else they want to be.

It is view that the major focus of any class for limited English speaking children should be the attainment of the English language skills they need to mainstream into regular classroom as soon as possible. While bilingual education may work for some children, it has not proven itself to be the most effective solution for all children.

It is time that we allow States and local schools and parents the right to select the method of English language instruction most appropriate for their children. This legislation will accomplish this goal.

Mr. Speaker, Chairman of the House Subcommittee on Early Childhood, Youth and Families, I intend to make this legislation a priority. I urge my colleagues to support my bill—the English Language Fluency Act—and insure that all English language learners obtain the skills they need to succeed.


HON. LEE H. HAMILTON
OF INDIANA
IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 1, 1998

Mr. HAMILTON. Mr. Speaker, today, Congressman BEREUTER and I are introducing in the House legislation to advance agricultural and rural development in Africa.

As President Clinton continues his historic trip through Africa, it is especially fitting that this legislation be introduced, because it will help make good on the promise of closer ties between the United States and the people of Africa.

Rural and agricultural markets are vital to African trade and economic development. If we are serious about improving the economic position of Africa in global markets, we must encourage women and small-scale farmers and entrepreneurs to be the engine of growth. I commend my friend, DOUG BEREUTER, for his hard-work and leadership on this legislation, which takes an important step forward in encouraging and strengthening those vital resources.

WHY IT MATTERS

While the Congress and the Administration are right to focus on African trade and investment, many African countries are not yet ready to graduate from aid recipient to trading partner. The poorest countries in Africa still need substantial foreign assistance and debt relief to accomplish things that increased trade and investment will not address.

Chief among these is combating hunger. Hunger causes profound—and needless—human suffering. It also undermines the development of human and physical capital necessary for economic development and break the cycle of poverty.

The spread of democracy, the availability of advanced agricultural technology, and the emergence of robust voluntary and civic organizations throughout Africa present us, today, with an opportunity to significantly reduce hunger and promote economic development.

Current, this Initiative receives $31 million in funding from AID. To maximize the efficiency of current programs, H.R. 3636 directs AID to: Target its resources where they are needed—on programs and projects that focus on infants, young children, women, and the rural poor; consult with and consider the views of the people these programs are trying to help; and ensure that programs are conducted by U.S. and African NGOs, to increase accountability and sustainability.

FOOD SECURITY

Third, this bill will bolster the existing Africa Food Security Initiative, which supplies government-to-government food aid to combat hunger and promote economic development.

CURRENTLY, THIS INITIATIVE RECEIVES $31 MILLION IN FUNDING FROM AID TO MAXIMIZE THE EFFICIENCY OF CURRENT PROGRAMS, H.R. 3636 DIRECTS AID TO: TARGET ITS RESOURCES WHERE THEY ARE NEEDED—ON PROGRAMS AND PROJECTS THAT FOCUS ON INFANTS, YOUNG CHILDREN, WOMEN, AND THE RURAL POOR; CONSULT WITH AND CONSIDER THE VIEWS OF THE PEOPLE THESE PROGRAMS ARE TRYING TO HELP; AND ENSURE THAT PROGRAMS ARE CONDUCTED BY U.S. AND AFRICAN NGOs, TO INCREASE ACCOUNTABILITY AND SUSTAINABILITY.

FOOD ASSISTANCE

Finally, this bill will reform the Food Security Commodity Reserve to increase its long-term

WHAT IT DOES

H.R. 3636 will advance rural and agricultural development in Africa by directing the Administration to place a higher priority on these areas in its assistance policy toward Africa, and by improving existing programs to combat hunger and ensure that Africa's food supply is secure.

This bill does not call for increased U.S. spending although I believe the Congress should support higher aid levels for Africa. By carefully targeting aid in place, and by fine-tuning the way they are administered, this bill will allow the U.S. to get the most out of its development programs.

RURAL FINANCE

First, this bill would take several steps to increase U.S. support for rural finance in Africa, by requiring U.S. AID to:

—Develop a micro-enterprise strategy for Africa: Place a high-priority on providing credit and micro-credit to small-scale farmers—especially women, who produce up to 80 percent of the total food supply in Africa; and

—Support producer marketing associations and enhance the capacity and expertise of African business associations by: Using available assistance programs cooperatively with U.S. and local NGOs; and facilitating partnerships between U.S. and African businesses and cooperatives.

This bill also urges U.S. support for the International Fund for Agricultural Development (IFAD), which provides loans for famine relief. And, it encourages OPIC to work with U.S. AID to support agricultural and rural development in sub-Saharan African through available funds, loans and insurance.

AGRICULTURAL RESEARCH AND EXTENSION

Second, this bill would make U.S. efforts in Africa more effective by increasing program coordination.

It directs AID and the Department of Agriculture to develop a plan for coordinating international and national agricultural centers, research, and extension efforts with two goals in mind: To ensure that research responds to the needs of African farmers; and to support farmers' self-reliance by specifically targeting their agricultural skills.

The bill also expresses the sense of Congress that U.S. AID devote increased resources and staff to agriculture and rural development.

Well-coordinated policies that are more responsive to the needs of the people we are trying to assist will maximize the impact of U.S. assistance without increasing funding levels.

FOOD SECURITY

Third, this bill will bolster the existing Africa Food Security Initiative, which supplies government-to-government food aid to combat hunger and promote economic development.

Currently, this Initiative receives $31 million in funding from AID. To maximize the efficiency of current programs, H.R. 3636 directs AID to:

—Target its resources where they are needed—on programs and projects that focus on infants, young children, women, and the rural poor; consult with and consider the views of the people these programs are trying to help; and ensure that programs are conducted by U.S. and African NGOs, to increase accountability and sustainability.

FOOD ASSISTANCE

Finally, this bill will reform the Food Security Commodity Reserve to increase its long-term
viability. The Reserve was created to meet ur-
gent humanitarian food needs in developing
countries. Commodities in the Reserve—such
as wheat, corn, sorghum, and rice—can be re-
leased when domestic supplies are tight, or to
meet unanticipated emergency needs in devel-
oping countries.

The problem with the Reserve today is the
manner in which it is replenished. When com-
domities are released, the Commodity Credit
Corporation, which administers the Reserve, is
reimbursed for the value of the commodities
from PL-480 food assistance program funds.
These funds cannot be used to replenish the
Reserve.

The Reserve can only be replenished either
with an appropriation, or by designating Com-
domity Credit stocks for the Reserve. Neither
of these is a viable option—Congress has
never made an appropriation to replenish the
Reserve, and the Commodity Credit Corpora-
tion does not hold excess stock.

This bill would convert the Reserve into the
Bill Emerson Humanitarian Trust, which could
hold as a commodity either food, or an equiva-
 lent amount in funds. It creates two alternative
mechanisms for replenishing the Reserve, in
addition to the current option of replenishing
by appropriation.

First, the bill gives the Secretary of Agri-
culture authority to hold PL-480 funds—used
to reimburse the Commodity Credit Corpora-
tion—as an asset of the Trust. This would
allow the Reserve to buy commodities when
domestic market prices are favorable.

Second, the Trust could be replenished from
un expended balances at the end of the fiscal
year—from both the PL-480 account and the
Commodity Credit account. Commodity Credit
balances that are already obligated would not
be available nor would balances be drawn
down from export promotion programs.

Allowing the Reserve to be replenished from
these additional sources permits the Reserve
to operate more efficiently and increases our
ability to respond to humanitarian crises.

WHO SUPPORTS IT

This bill is the result of bipartisan coopera-
tion. Humanitarian groups—such as Bread for
the World and the Coalition for Food Aid—
must be commended for their serious commit-
ment and valuable suggestions to this bill. We
have worked with the Administration on the
bill. These efforts have been undertaken to
ensure that this bill reaches its goal of advanc-
ing agricultural and rural development and re-
ducing famine.

I look forward to continuing to work on this
bill with my colleagues on both sides of the
aisle, and I intend to work with the Administra-
tion to try to accommodate their concerns as
we move forward.

CONCLUSION

Without increasing U.S. spending, this bill
will maximize our current efforts to protect and
develop the vital human and physical re-
sources that are necessary to drive economic
prosperity in Africa. By making U.S. programs
more effective and sustainable, it will ensure that
the United States continues to be con-
structively engaged with the people of Africa.
H.R. 3638 will bring Congress and the Ad-
ministration closer to our shared goal of creat-
ing a U.S.-rail, social and economic partnership.

PREVENTING CONVEYANCE OF
VETERANS MEMORIALS TO FOR-
EIGN GOVERNMENTS
HON. BARBARA CUBIN
OF WYOMING

IN THE HOUSE OF REPRESENTATIVES
Wednesday, April 1, 1998

Mrs. CUBIN. Mr. Speaker, today I am
pleased to introduce a bill that would preserve
the sacred monuments to our fallen soldiers.
This legislation would prevent the conveyance of
any veteran memorial, or any part of any
memorial, to a foreign government without the
express consent of Congress. This has be-
come an issue in recent months with the Bells
of Balangiga, part of a veterans memorial at F.E.
Warren Air Force Base in my home State of
Wyoming. I strongly believe we should pro-
tect this and every other monument to the
sacrifice made by our Armed Forces.

Since the founding of our Republic over 200
years ago, our brave soldiers and sailors have
been called upon to defend our liberties and
preserve the venerated security interests of the
United States. Many have given their lives in
the line of duty.

Many monuments dedicated to our veterans
commemorate events that occurred abroad.
As time passes, the memory of those who
fought so gallantly in the service of our nation
often fades. I believe it is absolutely essen-
tial to preserve the memory of our veterans
who served their country when they were called.

In an attempt to satisfy a request from the
Philippine Government, there is a movement
aboot to return the bells from the monument at
F.E. Warren AFB. The Philippine Government
would like the bells in time for its centennial
celebration of independence from Spain. How-
ever, the bells are completely unrelated to the
Spanish-American War.

The bells, once used to call the faithful to
worship were converted to instruments of war
in 1901 when they were used to call insur-
gents to massacre unsuspecting American sol-
diers stationed in Balangiga, a village in the
Philippines. Fifty-four Americans died in that
attack. The twenty survivors of that brutal at-
tack brought the bells back to Fort D.A. Rus-
sell, now F.E. Warren Air Force Base, as a
memorial to their fallen comrades.

When I harbor no malice towards the people
of the Philippines, I believe the United States
has an obligation to protect the memory of
those who fought and died for their country.
The Bells of Balangiga should not be simply
dealt away in the conduct of foreign policy.
This war memorial represents the blood and
sweat invested by America to bring about an
expansion of our Republic over 200
years ago, our brave soldiers and sailors have
been called upon to defend our liberties and
preserve the venerated security interests of the
United States. Many have given their lives in
the line of duty.

A war memorial is the best way to ensure that
the memory of those who served is not lost.

CONCLUSION

I strongly believe this legislation is essential
in preserving our heritage and the memory of
those who served. I hope that my colleagues
will support this legislation.

THE OLDER WOMEN’S PROTECTION
FROM VIOLENCE ACT
HON. CAROLYN B. MALONEY
OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES
Wednesday, April 1, 1998

Mrs. MALONEY of New York. Mr. Speaker,
the Hargraves had nine children, 23 grand-
children, and 11 great-grandchildren. Helen
Hargrave was 71, her husband, 83. Last Me-
}
of older victims; community-based intervention and prevention programs; reauthorization of ombudsman programs and the elder abuse prevention program under the Older Americans Act; measures to protect older people from financial and material exploitation; preferences given to health profession educational programs which require students to receive significant training in treatment issues related to elder abuse, including domestic violence and sexual assault; development of curricula for social workers, health care providers and law enforcement; legal assistance for victims of elder abuse through law school clinical programs; and research about the sexual abuse of older women.

Not even the Violence Against Women Act (VAWA) specifically addresses the specific concerns of older women. This bill, however, has been included in VAWA—introduced earlier this month—to address that oversight. These efforts are vital if we are to adequately respond to the unique health, housing and legal needs of older women. Older women who just want to have a peaceful life. Older women just like Helen Hargrave.

AFRICA: SEEDS OF HOPE ACT OF 1998
HON. DOUG BEREUTER
OF NEBRASKA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, April 1, 1998

Mr. BEREUTER. Mr. Speaker, this evening, the distinguished gentleman from Indiana, the Ranking Member of the House International Relations Committee (Mr. HAMILTON) and this Member are introducing legislation that focuses on improving agricultural efficiency in Africa. This legislation is an important complement to our goal for an invigorated trade strategy with Africa. Several weeks ago the House of Representatives passed, with this Member’s support, the African Trade Growth and Opportunities Act and took the very important step toward greater trade with a continent in desperate need of private-sector led economic growth.

By focusing on sustainable agriculture, research, rural finance, and food security, our legislation is directly aimed at helping the 76% of the Sub-Saharan African people who are small farmers. Improving the efficiency of these farmers is crucial to ensuring that our overall trade strategy is successful. As a long-time supporter of aid to Africa through the Development Fund for Africa and other mechanisms, I believe this legislation—in conjunction with our new trade initiatives—helps coordinate and focus America’s resources on both trade and aid in Africa.

If trade is to prosper in Sub-Saharan Africa, we need to better direct our scarce aid resources so that they stimulate private sector investment or help ease the suffering in those places either overlooked by the private sector or suffering from disasters. Our legislation attempts to refine our assistance programs for Sub-Saharan Africa and ensure that agriculture and rural development are not neglected. For example, we believe that the microenterprise program and the Overseas Private Investment Corporation are two excellent tools to help remedy rural finance and investment shortcomings. Moreover, we believe our international agricultural research programs can be better coordinated with our domestic agricultural research to benefit farmers in Africa as well as the United States. And, our food assistance programs need to be focused on long-term development assistance and not be evaluated on the basis of short-term or immediate results that are anathema to their original purpose.

This Member is especially pleased that this legislation seeks to replenish the Food Security Commodity Reserve and appropriately rename it the Bill Emerson Humanitarian Trust. The late, distinguished gentleman from Missouri worked tirelessly to ensure that the United States provided humanitarian assistance to those most in need throughout the world. By providing a mechanism to replenish the commodity reserve in times of low agricultural prices, this legislation continues that legacy by ensuring that a reserve for humanitarian purposes will exist when prices are high.

In conclusion, this Member would like to commend Bread for the World for its relentless efforts to reduce hunger and malnutrition throughout the world. This Africa: Seeds of Hope Campaign and our legislation combine to form one more initiative in a long history of successful campaigns by Bread for the World.

TRIBUTE TO THE VILLELLA FAMILY
HON. MICHAEL P. FORBES
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Wednesday, April 1, 1998

Mr. FORBES. Mr. Speaker, I rise today in the U.S. House of Representatives to pay tribute to an old and trusted family from Riverhead, Long Island as they close the family business that has lovingly served the community for the past four decades.

This week, my good friend Vincent Villella, announced he is closing the family-owned shoe store that his father Gregory opened more than 42 years ago on Main Street in Riverhead, Long Island. Generations of Long Islanders who live around this friendly, tight-knit East End community know the Villella family as more than shoe store proprietors, but as truly part of their extended family. Like other family traditions, parents still take their children to Villella’s to buy their new shoes, just as their parents did with them.

As the son of parents who operated a business in downtown Riverhead for years, when I learned the Villella Shoes was going out of business, it truly saddened my heart. An 82-year-old, second-generation shoemaker, Gregory Villella opened his shop in the late 1950s, when downtown Riverhead was a bustling commercial district. Main Street was the place when every family in the community came to buy their shoes, get their haircuts and do their grocery shopping. I can vividly recall memories of my own mother taking me into Villella Shoes to buy a new pair of shoes for school or church.

Like many other mom-and-pop businesses across America, Villella Shoes has been hurt by a changing retail market, as more people do their shopping at the mall or big discount department stores. Though we may welcome the benefits competition brings the consumer, our communities are worse off when we lose good friends and neighbors like Villella Shoes.

Main Street, Riverhead is currently undergoing an economic revival, led by exciting plans to build a waterfront aquarium and to create a downtown arts district that will draw some of the millions in tourist dollars flowing to the East End. Thank to the good work of New Riverhead Town Supervisor Vincent Villella and the tenacity of local residents who refuse to let their downtown die, the glory days of Riverhead are no longer part of its history, but rather an exciting new part of a glorious future.

Nonetheless, Riverhead will lose a piece of its heart and soul when Villella Shoes, departs and each of us who care deeply about this community will miss it. Thankfully, the Villella family will still be here with us as we work to restore and revitalize downtown Riverhead.

We have been blessed to have them as part of the East End, Long Island family for the past 42 years.

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HIGHLIGHTS

Senate agreed to Congressional Budget Resolution.

Senate

Chamber Action

Routine Proceedings, pages S3023-S3189

Measures Introduced: Twenty-six bills and five resolutions were introduced, as follows: S. 1905-1930, S. Res. 206-209, and S. Con. Res. 88.

Measures Reported: Reports were made as follows:

- S. 1609, to amend the High-Performance Computing Act of 1991 to authorize appropriations for fiscal years 1999 and 2000 for the Next Generation Internet program, to require the Advisory Committee on High-Performance Computing and Communications, Information Technology, and the Next Generation Internet to monitor and give advice concerning the development and implementation of the Next Generation Internet program and report to the President and the Congress in its activities. (S. Rept. No. 105-173)

- S. Res. 201, to commemorate and acknowledge the dedication and sacrifice made by the men and women who have lost their lives while serving as law enforcement officers.

- S. 1723, to amend the Immigration and Nationality Act to assist the United States to remain competitive by increasing the access of the United States firms and institutions of higher education to skilled personnel and by expanding educational and training opportunities for American students and workers, with an amendment in the nature of a substitute.

Measures Passed:

- Appropriations 302 Allocations: Senate agreed to S. Res. 209, providing section 302 allocations to the Committee on Appropriations.

- ISTEA Authorization: Pursuant to the order of March 12, 1998, Senate passed H.R. 2400, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, after striking all after the enacting clause and inserting in lieu thereof the text of S. 1173, as amended, insisted on its amendment, requested a conference with the House thereon, and the Chair appointed the following conferees: from the Committee on Environment and Public Works: Senators Chafee, Warner, Smith (of New Hampshire), Kempthorne, Inhofe, Thomas, Bond, Hutchinson, Allard, Sessions, Baucus, Moynihan, Lautenberg, Reid, Graham, Lieberman, Boxer, and Wyden; from the Committee on Finance: Senators Roth, Grassley, Hatch, Breaux, and Conrad; from the Committee on Banking, Housing, and Urban Affairs: Senators D’Amato, Gramm, Shelby, Sarbanes, and Dodd; from the Committee on Commerce, Science, and Transportation: Senators McCain, Stevens, and Hollings; and from the Committee on the Budget: Senators Domenici, Nickles, and Murray.

Subsequently, S. 1173 was returned to the Senate calendar.

- Child Support Performance and Incentive Act: Committee on Finance was discharged from further consideration of H.R. 3130, to provide for an alternative penalty procedure for States that fail to meet Federal child support data processing requirements, to reform Federal incentive payments for effective child support performance, and to provide for a more flexible penalty procedure for States that violate interjurisdictional adoption requirements, and the bill was then passed, after agreeing to the following amendment proposed thereto, as follows:

Collins (for Roth) Amendment No. 2286, in the nature of a substitute.

- Year 2000 Technology: Senate agreed to S. Res. 208, to establish a special committee of the Senate to address the year 2000 technology problem.

- Congressional Budget: By 57 yeas to 41 nays (Vote No. 84), Senate agreed to S. Con. Res. 86, setting forth the congressional budget for the United States Government for fiscal years 1999, 2000, 2001,
2002, and 2003 and revising the concurrent resolution on the budget for fiscal year 1998, after taking action on amendments proposed thereto, as follows:

**Adopted:**

Dorgan Modified Amendment No. 2218, to strike section 301 of the concurrent resolution, which expresses the sense of Congress regarding the sunset of the Internal Revenue Code of 1986, and replace it with a section expressing the sense of Congress that important tax incentives such as those for encouraging home ownership and charitable giving should be retained.

By 59 yeas to 40 nays (Vote No. 62), Hutchinson Amendment No. 2279 (to Amendment No. 2218), to express the sense of the Senate regarding passage of an IRS restructuring bill that provides real relief for taxpayers and provide appropriate oversight as well as to express the sense of the Senate that the tax code should be terminated.

Dorgan Amendment No. 2280 (to Amendment 2218), to strike section 301 of the concurrent resolution, which expresses the sense of the Congress regarding the sunset of the Internal Revenue Code of 1986, and replace it with a section expressing the sense of Congress that important tax incentives such as those for encouraging home ownership and charitable giving should be retained. (By 1 yea to 98 nays (Vote No. 63), Senate failed to table the amendment.)

By 97 yeas to 2 nays (Vote No. 66), Bond/Mikulski Modified Amendment No. 2213, to express the sense of the Senate that the Elderly Housing program shall be funded at not less than the fiscal year 1998 funding level.

Domenici (for Stevens) Modified Amendment No. 2253, to express the sense of the Senate regarding outlay estimates of the Department of Defense budget.

Wellstone/Moyehian Amendment No. 2187, to express the sense of the Senate regarding a report of the Secretary of Health and Human Services evaluating the outcomes of welfare reform.

Lautenberg (for Kohl/Reid) Modified Amendment No. 2204, to express the sense of the Senate regarding the establishment of a national background check system for long-term care workers.

Lautenberg (for Torricelli/Jeffords) Amendment No. 2212, to express the sense of the Senate on battlefield preservation.

Murray Modified Amendment No. 2217, to express the sense of the Senate regarding the expansion of Medicare benefits.

Domenici (for DeWine) Amendment No. 2225, to state the sense of the Senate regarding the quality of teachers.

Lautenberg (for Feinstein) Amendment No. 2229, to express the sense of the Senate on education goals.

Lautenberg (for Biden) Amendment No. 2233, to provide for the Senate's support for Federal, State and local law enforcement.

Lautenberg (for Bingaman/Lieberman) Amendment No. 2235, to express the sense of the Senate regarding the analysis of civilian science and technology expenditures in the budget.

Lautenberg (for Bingaman) Amendment No. 2236, to express the sense of the Senate regarding long-term civilian science and technology budget trends.

Lautenberg (for Kerrey) Amendment No. 2237, to express the sense of the Senate on long-term Federal budgeting and the repayment of the public debt.

Lautenberg (for Moseley-Braun) Amendment No. 2239, to express the sense of the Senate that the President should submit a generational study with the budget request.

Lautenberg (for Moseley-Braun) Amendment No. 2240, to express the sense of the Senate regarding the value of the social security system for future retirees.

Lautenberg (for Torricelli) Amendment No. 2246, to express the sense of the Senate on the Land and Water Conservation Fund.

Domenici (for Bond) Amendment No. 2248, to express the sense of the Senate regarding Immigration and Naturalization Service circuit rides in the former Soviet Union.

Domenici (for Thurmond) Amendment No. 2250, to express the sense of the Senate regarding long-term care needs.

Domenici (for Frist) Amendment No. 2258, to express the sense of the Senate regarding funding for the Airport Improvement Program.

Domenici (for Santorum) Amendment No. 2263, to express the sense of the Senate regarding reauthorization of the Farmland Protection Program.

Domenici (for Santorum) Amendment No. 2264, to express the sense of the Senate concerning health care quality for participants in the Federal Employees Health Benefits Program.

Domenici (for Gramm) Amendment No. 2266, to extend the Violent Crime Reduction Trust Fund.

Domenici (for Coverdell) Amendment No. 2269, to express the sense of the Senate regarding wasteful
spending in Defense Department acquisition practices.

Domenici (for Coverdell/Kyl) Amendment No. 2270, to express the sense of the Senate regarding the United States response to the changing nature of terrorism.

Conrad (for Boxer) Modified Amendment No. 2176, to increase Function 500 discretionary budget authority and outlays to accommodate an initiative promoting after-school education and safety.

By 52 yeas to 46 nays (Vote No. 68), Brownback Amendment No. 2177, to express the sense of the Senate regarding economic growth, social security, and Government efficiency.

By 50 yeas to 48 nays (Vote No. 71), Kyl Amendment No. 2221, to express the sense of the Senate supporting a supermajority requirement for raising taxes.

By a unanimous vote of 98 yeas (Vote No. 72), Nickles Amendment No. 2282, to express the sense of the Senate concerning health care quality.

By 53 yeas to 45 nays (Vote No. 74), Domenici (for Hutchison) Amendment No. 2208, to express the sense of the Senate that any budget surplus should be dedicated to debt reduction or direct tax relief for hard-working American families.

By a unanimous vote of 98 yeas (Vote No. 75), Rockefeller Amendment No. 2284 (to Amendment No. 2223), of a perfecting nature.

Lautenberg (for Rockefeller) Amendment No. 2226, to revise outlays and new budget authority for transportation (400) programs and allowances (920), and to strike those provisions with regard to outlays and new budget authority for programs of function 700, Veterans Benefits and Services.

By 52 yeas to 46 nays (Vote No. 76), Domenici Amendment No. 2283 (to Amendment No. 2226), in the nature of a substitute.

By 50 yeas to 48 nays (Vote No. 77), Domenici (for Grams) Amendment No. 2222, to use any budget surplus to reduce payroll tax and establish person retirement accounts for hard-working Americans.

Domenici (for Coverdell) Amendment No. 2262, to express the sense of the Senate on the procurement of Blackhawk utility helicopters for Colombia to reduce illicit drug trafficking.

Wellstone Modified Amendment No. 2188, to provide additional funds for medical care for veterans.

Reid/Bryan Amendment No. 2206, to express the sense of the Senate that the landowner incentive program included in the Endangered Species Recovery Act should be financed from a dedicated source of funding and that public lands should not be sold to fund the landowner incentive program of the Endangered Species Recovery Act.

By 55 yeas to 43 nays (Vote No. 79), Kempthorne Amendment No. 2285 (to Amendment No. 2206), to recognize potential alternative funding sources for landowner incentives under the Endangered Species Recovery Act.

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Wellstone Modified Amendment No. 2188, to provide additional funds for medical care for veterans.
Kennedy Amendment No. 2184, to increase Function 500 discretionary budget authority and outlays to support innovative education reform efforts in urban and rural school districts. (By 54 yeas to 44 nays (Vote No. 78), Senate tabled the amendment.)

Murray Amendment No. 2216, to increase Function 500 discretionary budget authority and outlays to accommodate both Administration investments in education and the $2.5 billion increase assumed by the resolution for IDEA. (By 55 yeas to 43 nays (Vote No. 81), Senate tabled the amendment.)

Lautenberg (for Boxer) Amendment No. 2234, to expand the uses of the tobacco reserve fund to include funding for health research, including the National Institutes of Health.

Dorgan Amendment No. 2219, to establish a reserve fund for health research at the National Institutes of Health, funded by receipts from tobacco legislation.

Withdrawn:
Thurmond Amendment No. 2191, to clarify outlay levels for major functional categories.
Thurmond Amendment No. 2192, to clarify outlay levels for national defense.
Kennedy Amendment No. 2281 (to Amendment No. 2183), of a perfecting nature. Pages S3049, S3051
Kennedy Amendment No. 2183, to express the sense of the Senate concerning the enactment of a patient’s bill of rights. (By 51 yeas to 47 nays (Vote No. 73), Senate tabled the amendment.)

Pages S3045–49, S3077–78
Kennedy Amendment No. 2185, to express the sense of the Congress regarding additional budget authority for the Equal Employment Opportunity Commission.
Biden Amendment No. 2220, to permit the use of Federal tobacco funds to reimburse the Veterans Administration for the costs of treating smoking-related illnesses.
Lautenberg (for Kerry) Amendment No. 2230, to ensure that tobacco reserve fund in the resolution protects public health.
Smith (Oregon) Amendment No. 2179, to express the sense of the Senate on Social Security taxes.

Pages S3001
Smith (Oregon) Amendment No. 2181, to express the sense of the Senate concerning increases in the prices of tobacco products.

Wellstone Modified Amendment No. 2186, to provide a reserve fund to pay for increased Pell Grants by reducing or eliminating corporate welfare tax expenditures.
Lautenberg Amendment No. 2194, to express the sense of the Senate to ensure that the tobacco reserve fund in the resolution may be used to protect the public health.

Kerrey Amendment No. 2215, to express the sense of the Senate regarding passage of the IRS Restructuring and Reform Act of 1997.

Bingaman/Lieberman Amendment No. 2223, to establish a deficit-neutral reserve fund for civilian research and development.
Lautenberg (for Conrad) Amendment No. 2227, to ensure that the tobacco reserve fund in the resolution may be used to strengthen social security.

Lautenberg (for Wellstone) Amendment No. 2231, to express the sense of the Senate supporting additional funding for fiscal year 1999 for medical care for veterans.
Lautenberg (for Durbin) Amendment No. 2241, to express the sense of Congress regarding the right to affordable, high-quality health care for seniors.

Lautenberg (for Dorgan) Amendment No. 2242, to express the sense of the Senate on ensuring social security solvency.
Lautenberg (for Torricelli) Amendment No. 2245, to express the sense of the Senate on battlefield preservation.
Lautenberg (for Moynihan) Amendment No. 2247, to express the sense of the Senate that the Committee on Finance should consider legislation to preserve social security and ensure its long-run solvency; and that no policy options affecting either outlays, revenues, or the manner of investment of funds, should be excluded from consideration.

Pages S3091
Domenici (for Abraham) Amendment No. 2249, to express the sense of Congress that the Budget Act should be amended to facilitate the use of future unified budget surpluses to strengthen and reform social security, reform the tax code, and reduce the tax burden on middle-class families.
Domenici (for Specter) Amendment No. 2255, to modify the tobacco reserve fund to allow up to $10.5 billion to be spent on post-service smoking-related Veterans compensation benefits.
Domenici (for Specter) Amendment No. 2256, relating to the distribution of certain receipts from tobacco legislation.
Domenici (for McConnell) Amendment No. 2259, to express the sense of the Congress that the award of attorneys’ fees, costs, and sanctions of those amounts ordered by U.S. District Judge Royce C. Lamberth on December 18, 1997, should not be paid with taxpayer funds.
Domenici (for Sessions) Amendment No. 2260, to express the sense of the Senate regarding limitations
on attorneys’ fees under any global tobacco settlement.

Domenici (for Craig) Amendment No. 2261, to express the sense of the Senate on the eligibility of individuals suffering from post-service smoking-related illnesses for VA compensation.

Domenici (for Coverdell) Amendment No. 2267, to express the sense of the Senate regarding the Department of Justice’s pursuit of Medicare fraud and abuse.

Domenici (for Coverdell) Amendment No. 2268, to express the sense of the Senate regarding national response to the threat of illegal drugs.

Domenici (for Hatch) Amendment No. 2273, to assume that the use of the tobacco reserve fund is consistent with tobacco legislation approved by the Senate.

Domenici (for Sessions) Amendment No. 2274, to express the sense of the Senate regarding limitations on attorneys’ fees under any global tobacco settlement.

During consideration of this measure today, Senate also took the following action:

Three-fifths of those Senators duly chosen and sworn not having voted in the affirmative, Senate rejected motions to waive certain provisions of the Congressional Budget Act with respect to consideration of the following amendments:

By 53 yeas to 45 nays (Vote No. 64), Allard Amendment No. 2170, to require the reduction of the deficit, a balanced Federal budget, and the repayment of the national debt.

By 47 yeas to 52 nays (Vote No. 65), Lautenberg Amendment No. 2195, to establish a deficit-neutral reserve fund for environmental and natural resources.

By 42 yeas to 55 nays (Vote No. 69), Lautenberg (for Daschle) Amendment No. 2244, in the nature of a substitute.

By 59 yeas to 39 nays (Vote No. 80), Domenici (for Nickles) Amendment No. 2257, to establish a prohibition on precatory language on budget resolutions.

By 47 yeas to 51 nays (Vote No. 82) Feingold Amendment No. 2224, to establish a disability reserve fund.

By 31 yeas to 67 nays (Vote No. 83), Lautenberg (for Robb) Amendment No. 2232, to ensure that the tobacco reserve fund in the resolution protects tobacco farmers.

Subsequently, a point of order that the amendments were violations of the Congressional Budget Act was sustained, and the amendments thus fell.

A unanimous-consent agreement was reached providing that when the Senate receives the House companion resolution, all after the resolving clause be stricken, the text of S. Con. Res. 86, as amended, be inserted in lieu thereof, that the House concurrent resolution be agreed to, the Senate insist on its amendment, request a conference with the House thereon, and the Chair be authorized to appoint conferees on the part of the Senate.

Authorities: A unanimous-consent agreement was reached providing that, notwithstanding the adjournment of the Senate, the President of the Senate, the President of the Senate pro tempore, and the majority and minority leaders be authorized to make appointments to commission, committees, boards, conferences, or interparliamentary conferences authorized by law, by concurrent action of the two Houses, or by order of the Senate.

Removal of Injunction of Secrecy: The injunction of secrecy was removed for the following treaty:

Treaty with Israel on Mutual Legal Assistance in Criminal Matters. (Treaty Doc. 105-40)

The treaty was transmitted to the Senate today, considered as having been read for the first time, and referred, with accompanying papers, to the Committee on Foreign Relations and was ordered to be printed.

Nominations Confirmed: Senate confirmed the following nominations:

By 98 yeas to 1 nay (Vote No. 61 EX), G. Patrick Murphy, of Illinois, to be United States District Judge for the Southern District of Illinois.

Michael P. McCuskey, of Illinois, to be United States District Judge for the Central District of Illinois.

Thomas J. Umberg, of California, to be Deputy Director for Supply Reduction, Office of National Drug Control Policy.

Kermit Lipez, of Maine, to be United States Circuit Judge for the First Circuit.

Richard M. McGahey, of New York, to be Assistant Secretary of Labor.

John Charles Horsey, of Washington, to be Associate Deputy Secretary of Transportation.

Robert J. Shapiro, of the District of Columbia, to be Under Secretary of Commerce for Economic Affairs.

Elaine D. Kaplan, of the District of Columbia, to be Special Counsel, Office of Special Counsel, for the term of five years.

Robert T. Dawson, of Arkansas, to be United States District Judge for the Western District of Arkansas.

Johnnie B. Rawlinson, of Nevada, to be United States District Judge for the District of Nevada.
Melvin R. Wright, of the District of Columbia, to be an Associate Judge of the Superior Court of the District of Columbia for the term of fifteen years.

Ruth Y. Goldway, of California, to be a Commissioner of the Postal Rate Commission for a term expiring November 22, 2002.

Nominations Received: Senate received the following nominations:
- Ralph E. Tyson, of Louisiana, to be United States District Judge for the Middle District of Louisiana.
- Bernard Daniel Rostker, of Virginia, to be an Assistant Secretary of Defense.
- Frank E. Loy, of the District of Columbia, to be an Under Secretary of State.
- Eric S. Edelman, of Virginia, to be Ambassador to the Republic of Finland.
- Nancy Halliday Ely-Raphel, of the District of Columbia, to be Ambassador to the Republic of Slovenia.
- Richard Nelson Swett, of New Hampshire, to be Ambassador to Denmark.
- Edward L. Romero, of New Mexico, to be Ambassador to Spain.
- Rita R. Colwell, of Maryland, to be Director of the National Science Foundation for a term of six years.
- Rosina M. Bierbaum, of Virginia, to be an Associate Director of the Office of Science and Technology Policy.
- Diane D. Blair, of Arkansas, to be a Member of the Board of Directors of the Corporation for Public Broadcasting for a term expiring January 31, 2004.
- Jeanne E. Scott, of Illinois, to be United States District Judge for the Central District of Illinois.
- John C. Truesdale, of Maryland, to be General Counsel of the National Labor Relations Board for a term of four years.

Routine lists in the Air Force and Army.

Messages From the House:
Messages Referred:
Communications:
Executive Reports of Committees:
Statements on Introduced Bills:
Additional Cosponsors:
Amendments Submitted:
Notices of Hearings:
Authority for Committees:
Additional Statements:

Record Votes: Twenty five record votes were taken today. (Total—85)

Pages S3030–31, S3033–38, S3075–81, S3083–84, S3088–89, S3107

Adjournment: Senate convened at 8:30 a.m., and adjourned at 10:54 p.m., until 10 a.m., on Friday, April 3, 1998. (For Senate’s program, see the remarks of the Acting Majority Leader in today’s Record on page S3186.)

Committee Meetings

(Committees not listed did not meet)

ANIMAL WASTE MANAGEMENT
Committee on Agriculture, Nutrition, and Forestry: Committee concluded hearings on S. 1323, to regulate concentrated animal feeding operations for the protection of the environment and public health, after receiving testimony from Robert Perciasepe, Assistant Administrator for Water, Environmental Protection Agency; Craig Cox, Acting Deputy Under Secretary of Agriculture for Natural Resources and Environment; Maryland Governor Parris N. Glendening, Annapolis; Mayor M. Susan Savage, Tulsa, Oklahoma; Patrick A. Takasugi, Idaho State Department of Agriculture, Boise; C. Dewey Botts, North Carolina Department of Environmental and Natural Resources, Raleigh; Michelle B. Nowlin, Southern Environmental Law Center, Chapel Hill, North Carolina; Jim Moseley, Infinity Pork and AgRidge Farms, Clarks Hill, Indiana, on behalf of the National Pork Producers Council; Harry Knobee, West Point, Nebraska, on behalf of the National Cattlemen’s Beef Association; and Tim Maupin, Rocco, Inc., Harrisonburg, Virginia, on behalf of the National Turkey Federation and the National Broiler Council.

CREDIT UNION MEMBERSHIP
Committee on Banking, Housing, and Urban Affairs: Committee concluded hearings to examine implications of the recent Supreme Court decision concerning credit union membership, after receiving testimony from Representatives LaTourette and Kanjorski; Michael S. Vadala, Summit Federal Credit Union, Rochester, New York, on behalf of the National Association of Federal Credit Unions; Peggy Lents, Azalea City Credit Union, Mobile, Alabama, on behalf of the Credit Union National Association; K. Reid Pollard, Randolph Bank and Trust Company, Asheboro, North Carolina, on behalf of the Independent Bankers Association of America; Neil Mahoney, Wornoco Savings Bank, Westfield, Massachusetts, on behalf of the America’s Community Bankers; and Scott Jones, Goodhue County National Bank, Red Wing, Minnesota, on behalf of the American Bankers Association.
PUERTO RICO
Committee on Energy and Natural Resources: Committee met to discuss the political status in Puerto Rico, focusing on S. 472, to provide for referenda in which the residents of Puerto Rico may express democratically their preferences regarding the political status of the territory, and H.R. 856, to provide a process leading to full self-government for Puerto Rico, after receiving testimony from Governor Pedro Rossello, former Governor Luis A. Ferre, on behalf of the New Progressive Party, Ruben Berrios Martinez, Independence Party, and Anibal Acevedo Vila, Popular Democratic Party, all of San Juan, Puerto Rico.

BUSINESS MEETING
Committee on the Judiciary: Committee ordered favorably reported the following business items:

The nominations of Ivan L.R. Lemelle, to be United States District Judge for the Eastern District of Louisiana, A. Howard Matz, to be United States District Judge for the Central District of California, George Caram Steeh, III and Arthur J. Tarnow, each to be a United States District Judge for the Eastern District of Michigan, Richard H. Deane, Jr., to be United States Attorney for the Northern District of Georgia, and Stephen C. Robinson, to be United States Attorney for the District of Connecticut, and Daniel C. Byrne, to be the United States Marshal for the Eastern District of New York;

S. 1723, to amend the Immigration and Nationality Act to assist the United States to remain competitive by increasing the access of United States firms and institutions of higher education to skilled personnel and by expanding educational and training opportunities for American students and workers, with an amendment in the nature of a substitute; and

S. Res. 201, to commemorate and acknowledge the dedication and sacrifice made by the men and women who have lost their lives while serving as law enforcement officers.

BUSINESS MEETING
Committee on the Judiciary: Subcommittee on Administrative Oversight and the Courts approved for full committee consideration the following bills:

S. 1301, to amend title 11, United States Code, to provide for consumer bankruptcy protection, with an amendment in the nature of a substitute; and

S. 1352, to amend Rule 30 of the Federal Rules of Civil Procedure to restore the stenographic preference for depositions, with an amendment.

CHLOROFLUOROCARBON PROPELANTS
Committee on Labor and Human Resources: Committee concluded hearings to examine the Federal role in the implementation of Title VI of the Clean Air Act as it relates to the use of chlorofluorocarbons (CFC) in metered-dose inhalers (MDI), and an Advance Notice of Proposed Rulemaking to phase out essential-use exemptions for CFC-based MDIs, after receiving testimony from John Jenkins, Director, Pulmonary Drug Products Division, Center for Drug Evaluation and Research, Food and Drug Administration, Department of Health and Human Services; Paul Stolopman, Director, Office of Atmospheric Programs, Environmental Protection Agency; Sharon Hipkins, Asthma and Allergy Foundation of America, Washington, D.C.; Nancy Sander, Allergy and Asthma Network/Mothers of Asthmatics, Inc., Fairfax, Virginia; Henry L. Dorkin, New England Medical Center, Boston, Massachusetts, on behalf of the Cystic Fibrosis Foundation; Brian Dunkiel, Friends of the Earth, Burlington, Vermont; and Dennis M. Williams, University of North Carolina School of Pharmacy, Chapel Hill, on behalf of the American Pharmaceutical Association.

House of Representatives

Chamber Action

The House was not in session today. It will next meet on Tuesday, April 21.

Committee Meetings

No Committee meetings were held.

COMMITTEE MEETINGS FOR FRIDAY, APRIL 3, 1998

Senate

No meetings are scheduled.

House

Committee on Government Reform and Oversight, Subcommittee on the District of Columbia, hearing on academic Plan for the District of Columbia Public Schools, 9:30 a.m., 2154 Rayburn.
Next Meeting of the SENATE
10 a.m., Friday, April 3
Senate Chamber
Program for Friday: After the transaction of any morning business (not to extend beyond 12 noon), Senate may consider S. 414, Ocean Shipping Reform Act.

Next Meeting of the HOUSE OF REPRESENTATIVES
12:30 p.m., Tuesday, April 21
House Chamber
Program for Tuesday April 21: To be announced.

Extensions of Remarks, as inserted in this issue

GOODLATTE, Bob, Va., E578
GREEN, Gene, Tex., E575, E578
HAMILTON, Lee H., Ind., E566
HINCHY, Maurice D., N.Y., E585
KANJORSKI, Paul E., Pa., E572
KENNEDY, Joseph P., II, Mass., E581
KILDEE, Dale E., Mich., E586
KLINK, Ron, Pa., E572, E574
KUCINICH, Dennis J., Ohio, E557, E558, E561
LANTOS, Tom, Calif., E565
LAFOUTETTE, Steve C., Ohio, E561
LAZIO, Rick, N.Y., E592
MCCARTHY, Carolyn, N.Y., E569
MCCARTHY, Karen, Mo., E559, E562
MCKEAN, Howard P., "Buck", Calif., E568
MALONEY, Carolyn B., N.Y., E567
MARTINEZ, Matthew G., Calif., E584
MILLENDER-MCDONALD, Juanita, Calif., E572
MILLER, George, Calif., E576
MOAKLEY, J ohn Joseph, Mass., E563

NADLER, Jerrold, N.Y., E583, E585
NEAL, Richard E., Mass., E579
NEY, Robert W., Ohio, E573, E575
NORTON, Eleanor Holmes, D.C., E569
OWENS, Major R., N.Y., E561
POMEROY, Earl, N.D., E562
RADANOVICH, George P., Calif., E568
RIGGS, Frank, Calif., E562, E585
RILEY, Bob, Al., E564
RODRIGUEZ, Ciro D., Tex., E574
ROMERO-BARCÉO, Carlos A., Puerto Rico, E569
SCHAFFER, Bob, Colo., E560, E576, E581, E584
SCOTT, Robert C., Va., E564
SOLOMON, Gerald B.H., N.Y., E564
TAUZIN, W.J. (BILLY), La., E570
THOMPSON, Bennie G., Miss., E572
UNDERWOOD, Robert A., Guam, E557, E559
Velasquez, Nydia M., N.Y., E565
VISCLOSKY, Peter J., Ind., E571
WOOLSEY, Lynn C., Calif., E558, E563

SCHAEFFER, Bob, Colo., E560, E576, E581, E584
SOLMAN, Gerald B.H., N.Y., E564
TAUZIN, W.J. (BILLY), La., E570
THOMPSON, Bennie G., Miss., E572
UNDERWOOD, Robert A., Guam, E557, E559
VELAZQUEZ, Nydia M., N.Y., E565
VISCLOSKY, Peter J., Ind., E571
WOOLSEY, Lynn C., Calif., E558, E563