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House of Representatives

The House met at 2 p.m. and was called to order by the Speaker pro tempore (Mr. MILLER of Florida).

DESIGNATION OF SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
May 11, 1998.

I hereby designate the Honorable DAN MILLER to act as Speaker pro tempore on this day.

NEWT GINGRICH,
Speaker of the House of Representatives.

PRAYER

The Reverend Douglas Tanner, Faith and Politics Institute, Washington, D.C., offered the following prayer.

Let us pray:

Almighty God, who created, sustains, and redeems us, we come before You today thinking we have seen enough rain for a while. We are quite ready for the warm, clear days we have come to expect in the Nation's Capital in May, with the sun shining on bright flowers and fresh foliage. Yet, that which we have learned to expect and that for which we ever more deeply yearn is not yet here. We must learn to live with the rain and we must wait.

Teach us, we pray, to recognize the parallels to other areas of our lives and our life as a nation. Help us to see that which we can have now, that for which we must wait, and that which we could be doing in the meantime, especially where spiritual values intersect with public life.

At the same time, remind us, in the words of Dr. King, that while the moral arc of the universe may be long, it bends toward justice, and rainy days will yield to brighter ones. Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

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

Mr. BENTSEN led the Pledge of Allegiance as follows:

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

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate had passed a bill of the following title in which the concurrence of the House is requested:

S. 414. An act to amend the Shipping Act of 1984 to encourage competition in international shipping and growth of United States exports, and for other purposes.

The message also announced that the Senate had passed without amendment a concurrent resolution of the House of the following title:

H. Con. Res. 265. Concurrent resolution authorizing the use of the East Front of the Capitol Grounds for performances sponsored by the John F. Kennedy Center for the Performing Arts.

The message also announced that pursuant to section 276d–276g of title 22, United States Code, as amended, the Chair, on behalf of the Vice President, appoints the following Senators as members of the Senate Delegation to the Canada-United States Interparliamentary Group during the Second Session of the One Hundred Fifth Congress, to be held in Nantucket, Massachusetts, May 14–18, 1998:

the Senator from Iowa (Mr. GRASSLEY); and

the Senator from Minnesota (Mr. GRAMS).

The message also announced that pursuant to Public Law 100–696, the Chair, on behalf of the President pro tempore, appoints the following Senators as members of the United States Capitol Preservation Commission:

the Senator from Washington (Mr. GORTON); and

the Senator from Utah (Mr. BENNETT).

COMMUNICATION FROM THE CLERK OF THE HOUSE

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

HOUSE OF REPRESENTATIVES,
OFFICE OF THE CLERK,
Washington, DC, May 11, 1998.

Hon. NEWT GINGRICH,
The Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 5 of Rule III of the Rules of the U.S. House of Representatives, I have the honor to transmit a sealed envelope received from the White House on May 8, 1998 at 2:08 p.m. and said to contain a message from the President whereby he transmits proposed legislation entitled the ''Class-Size Reduction and Teacher Quality Act of 1998.''

With warm regards,

ROBIN H. CARLE,
Clerk.

CLASS-SIZE REDUCTION AND TEACHER QUALITY ACT OF 1998—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 105–249)

The SPEAKER pro tempore laid before the House the following message from the President of the United States, which was read and, together with the accompanying papers, without objection, referred to the Committee

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on Education and the Workforce and ordered to be printed:

To the Congress of the United States:

I am pleased to transmit today for your immediate consideration and enactment the ''Class-Size Reduction and Teacher Quality Act of 1998.'' This legislative proposal would help States and local school districts recruit, train, and hire 100,000 additional well-prepared teachers in order to reduce the average class size to 18 in grades 1 through 3 in our Nation's public schools. It is an essential part of our overall effort to strengthen public schools throughout the Nation.

As schools across the Nation struggle to accommodate a surge in enrollments, educators and parents have become increasingly concerned about the impact of class size on teaching and learning, particularly in the critically important early grades, where students learn reading and other basic skills. This concern is justified: rigorous research confirms what parents and teachers have long believed—that students in smaller classes, especially in the early grades, make greater educational gains and maintain those gains over time. These gains occur because teachers in small classes can provide students with more individualized attention, spend more time on instruction and less time on discipline, and cover more material effectively. Moreover, the benefits of smaller classes are greatest for poor, minority, and inner-city children, the children who often face the greatest challenges in meeting high educational standards.

Smaller classes will have the greatest impact on student learning if the new teachers brought into the classroom are well qualified to teach reading and to take advantage of smaller learning environments. For this reason, my proposal emphasizes not just class-size reduction but also professional development for educators, and it will give school districts adequate time to recruit and train staff while phasing in smaller classes. Furthermore, all new teachers hired under the program would be required to pass a State teacher competency test and would also have to be certified to teach or be making satisfactory progress toward full certification.

We can help all of our students learn to read independently and well by the third grade, get a solid foundation in basic skills, and reach high educational standards if we start them off with small classes and well-prepared teachers in the early grades.

Under my proposal, the Department of Education would provide $20.8 billion in mandatory appropriations over a 10-year period (beginning with $1.1 billion in fiscal year 1999) to States. The States would then distribute the funds to local school districts based on their relative class sizes in grades 1 through 3, as well as on their ability and effort to finance class-size reductions with their own resources. The bill would provide States with considerable flexibility in distributing these funds, while ensuring that the most needy school districts receive a fair share.

Moreover, because my proposal would actually appropriate the funds needed to carry out the program, States and local communities could count on these funds without the need for separate congressional appropriations each year. This proposal is fully paid for within my Fiscal Year 1999 Budget, and therefore would not reduce the budget surplus.

School districts would use these funds to reduce class sizes in grades 1 through 3. Just as importantly, these funds would also be available for a variety of activities to ensure that students in the early grades receive sound and effective instruction, such as making sure that teachers know how to teach reading and other subjects effectively in small classes.

This proposal includes strong accountability for results. Participating school districts would produce ''report cards'' documenting reductions in class sizes and the achievement of their students in reading, based on rigorous assessments. Schools whose students fail to make gains in reading would be required to undertake corrective actions. In addition, the Department of Education would undertake a comprehensive national evaluation of this program and its impact on reading achievement and teaching.

I urge the Congress to take prompt and favorable action on this proposal. Its enactment would help school districts reduce class sizes in the early grades and improve instruction and achievement in reading, issues that are of major importance to parents and to the Nation.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *May 8, 1998.*

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

IN RECOGNITION OF CLYDE DREXLER ON HIS RETIREMENT FROM THE HOUSTON ROCKETS AND THE NBA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. BENTSEN) is recognized for 5 minutes.

Mr. BENTSEN. Mr. Speaker, I rise in proud recognition of a great athlete and legend in the City of Houston, Clyde Drexler, on the occasion of his retirement from the Houston Rockets and the National Basketball Association.

Clyde ''the Glide'' Drexler had an impressive 15-year career in the NBA, but many people in Houston remember him first from his days with the University of Houston Cougars in the early 1980s. Under the leadership of head coach Guy V. Lewis, Drexler and his future NBA teammate, Hakeem Olajuwon, took the Cougars to the NCAA's Final Four in 1982, with Clyde averaging 15.2 points and 10.5 rebounds per game.

In 1983, Drexler earned first-team All-America honors after leading the Cougars to their second straight NCAA Final Four in the first national championship game. The Cougars, known as Phi Slamma Jamma, ended the year 31–3 and won their first Southwest Conference regular season championship with a perfect 16–0 record, and were ranked atop the national polls. Drexler is the only Cougar to amass more than 1,000 points, 900 rebounds, 300 assists, and 250 steals in a career. His 268 career steals remain as a UH record.

A first round selection of the Portland Trail Blazers in 1983, Drexler led the team to two NBA finals and made the playoffs in each of his 15 seasons. A member of the original Olympic Dream Team, Drexler won a gold medal in Barcelona in 1992.

Clyde was reunited with Olajuwon when he was traded to the Rockets on February 14, 1995, and helped lead the Rockets to their second straight NBA championship. Drexler was named one of the NBA's 50 all-time greatest players in 1997 and made five all-NBA teams.

Drexler, Oscar Robertson, and John Havlicek are the only players in league history to post more than 20,100 points, 6,000 rebounds, and 6,000 assists. His 2,963 clear playoff points put him at number 15 on the all-time playoff scoring list. He also grabbed the 1,000th playoff rebound of his career on this past Sunday, when he finished his career in the NBA.

On May 18, 1998, Drexler announced his retirement plans as he accepted the job as the head coach for the men's basketball program at the University of Houston. While the Rockets' season ended on a disappointing note, I'm sure the City of Houston is extraordinarily proud of the career of one of their own, Clyde Drexler. As the next chapter of his career begins, what better place to share his talent, heart, and determination than with the Cougars and the City of Houston.

I know that I join with all sports fans in the City of Houston in looking forward to many more years of basketball excitement from Clyde Drexler, and wish him all the best in his new endeavor.

THE FREEDOM FROM RELIGIOUS PERSECUTION ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Virginia (Mr. WOLF) is recognized for 5 minutes.

Mr. WOLF. Mr. Speaker, I want to spend a moment talking about the Freedom from Religious Persecution Act, H.R. 2431, which will be on the floor for debate at the end of this week. The bill is bipartisan, it has over 131 cosponsors, and it was reported out of

the Committee on International Relations by a vote of 31 for, only 5 against.

Why is this legislation needed?

In the past decade, the Government of Sudan has killed or allowed to starve over 1 million of its own people. Starvation is that government's weapon of choice, liberally spiced with high-altitude bombing and mass murder, and even selling Sudanese boys and girls as slaves.

In China, as we all know, Catholic priests and bishops are imprisoned, some for decades, simply for practicing their faith. Protestant pastors are thrown in jail just for holding house church services. Muslims suffer persecution, as do Buddhist monks and nuns.

My office adopted Bishop Zeng Jingmu. Sunday's Washington Post reported that the Bishop was released 6 months early by the Chinese Government in anticipation of President Clinton's June visit. Bishop Zeng is currently out of prison, yet remains not completely free, but under house arrest, and is allowed to see no one but his close relatives. Still, the fact that he is out of prison is a good development, and a sign that pressure on repressive governments works.

Mr. Speaker, this legislation is supported by a large number of broad-based groups in the Nation. It is supported by the National Association of Evangelicals, by the U.S. Catholic Bishops Conference, by the Family Research Council, by the Anti-Defamation League, by the Southern Baptist Convention Ethics and Religious Liberty Commission, by the International Campaign for Tibet, by the National Jewish Coalition, by the Christian Coalition, by the Religious Action Center for Reformed Judaism, by Empower America, by Prison Fellowship Ministries, by the Union of Orthodox Congregations of America, by Concerned Women of America, by Campus Crusade for Christ, by the Seventh Day Adventist Church, by the Christian Legal Society, by the Catholic Alliance, by the Ethics and Public Policy Center, by the National Religious Broadcasters, by B'nai B'rith, by the American Family Association, by the Salvation Army. So we can see this has broad-based support.

On Thursday the House will take up the bill, and this bill will set up a system to monitor religious persecution around the world; and when egregious acts are found, limited sanctions will be imposed unless waived by the President. Again, under this legislation, the President has total, complete ability to waive everything and anything in the bill.

In closing, Mr. Speaker, when this bill becomes law, America will reaffirm again, as it has so many times in the past, for all the world that we still honor those ringing words in the Declaration of Independence, authored by Thomas Jefferson, where he said, We hold these truths to be self-evident, that all men and women are created equal, endowed by their creators with certain unalienable rights; that among these are life, liberty, and the pursuit of happiness.

When this bill passes, in small villages in southern Sudan, people with their little crystal radio sets, people in villages in China with their crystal sets, when they hear that the United States Congress, the people's House, the House of Representatives, has voted for this legislation, it will send a message to the people who are being persecuted around the world that this Congress and this country stands with them.

TRIBUTE TO JIM ANDERSON

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentlewoman from Idaho (Mrs. CHENOWETH) is recognized for 60 minutes as the designee of the majority leader.

Mrs. CHENOWETH. Mr. Speaker, I lost a very good friend a little while ago, in a very, very tragic accident. Jim Anderson was a man that I have known for about 25 years. He was a good man, a good father to his two children, a good husband, a good steward of the land, and a heck of a horseman.

It was my honor to have known Jim Anderson, to be his friend, and it is my honor to tell you a little bit about Jim Anderson today. Jim Anderson was a rancher. It wasn't only what he did as a rancher, but it was who he was.

He was killed in a tragic accident on his ranch on the border of Malheur County in Oregon and Owyhee County in Idaho, in the southwestern edge of my congressional district in Idaho. Jim's grazing allotment was far, far out in the Owyhee Desert, in a wide-open, sweeping land of grasses, of sagebrush, a few hardy juniper trees, a whole lot of rattlesnakes, but a land that cut deeply into the Owyhee River Canyon. It is a rugged, beautiful, brutal country far, far from the nearest cities.

The grassland, the hills, valleys, creeks, are heartbreakingly beautiful. The Owyhee River Canyon is one of the most magnificent wonders of my district and of this Nation. It carves through this beautiful high desert for hundreds of miles, cutting a deep, straight-walled gorge into the desert. The Owyhee can appear benign to the casual observer, but it can suddenly change from a meandering stream to a raging torrent, and from a foot deep to a bottomless pit.

□ 1415

Jim loved this country with his whole heart. It was in his blood. It was where he was born and raised, and where he had lived his entire life. It was where he wanted to raise his two sons, Patrick and Jeff.

Jim was riding the Owyhee River alone 3 weeks ago, gathering his cattle and pushing them onto spring range when the accident occurred. While crossing the river and pushing a small group of cattle ahead of him, Jim's horse stumbled and fell, crushing him underneath it, under the water. The horse struggled back to its feet, waded to a nearby island, and turned back to wait for his master. The cows wandered on. Jim's dog waited near the horse, but their master did not emerge from the river.

The horse and the dog were still waiting there on the island a day later when family and friends came in search of the missing man. When they saw the dog and the horse, they knew what happened to Jim. They knew from that rugged country and the ways of that rugged country that you always believe the animals. Five days later, divers found Jim Anderson's body miles downstream in the river, drowned. Even though Jim was raised there beside the river and was a heck of a horseman, he never learned how to swim. I just pray that he did not die in pain. But he did die alone, far, far from the family he loved, from his friends and from any help. I pray that he died without knowing what happened.

Jim's death was very tragic and incomparably lonely and saddening to his family and friends and every one of us who knew him. Yet every one of the people who knew Jim had a tremendous respect for the man that he was, the life that he led and the way he died.

You see, Jim died doing what he loved. He loved his family but he also loved his work, and he loved the land that he worked. He always knew that if we are good to the land, the land will be good back to us. Many people do not understand this today, when we do not live on the land and when we try to live our lives as comfortably as possible and eliminate every danger, inconvenience and hardship; but inconvenience and hardship and danger was Jim's way of life.

That morning, like every morning, Jim had gotten up before the sun and he went outside into the cold morning and saddled up his horse, called his dog and loaded his animals into the truck for a long, bumpy rough drive out into his grazing allotment. Jim unloaded his horse at dawn and began a wide sweep of his range alone, through some of the most beautiful, most brutal and unforgiving country on God's earth. Physically the work is very hard, demanding, tiring and rough, but that was the life that Jim Anderson wanted and he accepted this hard work with it and did not complain. He was college educated and had a high intelligence.

Jim could have been anything he wanted to be, a teacher, a physician, a stockbroker, a lawyer. He certainly could have been a Congressman. But he chose the way of life of a rancher.

Jim never stopped learning nor did he stop teaching others around him. He read the Wall Street Journal every single day, and other magazines such as National Review and Forbes magazine

every day. They shared their places with other magazines like Range, even like TV Guide.

At Jim's funeral, one of Jim's college roommates mentioned total surprise the day that he went out to Jim's cow camp and found a one day old copy of the Wall Street Journal on the cow camp table, many, many, many miles from town.

Jim was always ready to launch into a debate on any number of issues, armed with facts and figures; whether it was corn futures, public land policy, politics, you name it, he was well read on it. Jim embraced his life as a rancher. He accepted the risk, too. He knew anything could happen when riding alone so far from people and so far from help. But it was part of his job; it was part of his way of life.

Jim embraced that risk, that work and that way of life totally. It was what made him who he was and made him a part of our very proud western heritage. The family, the friends, the acquaintances, neighbors and strangers who turned out to aid in the search and to comfort the family after the body was found and to support and help the family through their tough times without Jim's presence are another part of our proud western heritage.

I mentioned the efforts of a search party, as well I should. Five days the community searched for Jim. They knew what happened to him because, like I said, the animals never lie. The animals would not leave the river where they lost their master. But hour after hour, day after day, volunteer searchers traveled on foot, on horse, by four-wheel drive, by ATV, by airplane, by helicopter and back and forth over the Owyhee River canyons, literally searching every crack, every crevice, every ravine, behind every bush, rock, and stump looking for Jim. It was a monumental job but they were tireless.

No government agency or professional search and rescue team could have done the job those friends and neighbors did, searching for Jim. No one else knows the land like they do, and no one else cares like they do. When they found him, though, no one went home. They gathered Jim's cattle. They moved them to where they needed to go. They cared for the family and the area cattlemen made plans to help Jim's family get through the rest of the year. With Jim gone, the community picked up his work and is going to take care of his family, not through charity but through respect for the man he was and because it is the right thing to do. It is the way things are done out there. It really is the American way. It is what makes a community. It is what makes our country great, people like Jim Anderson and the people in the Jordan Valley community that drew together to help this family through their very hard time.

Jim Anderson was a fiercely independent man. His widow and his children will tell you that, and those of us who were his friends will tell you that. Yet, they will also tell you that Jim was a man who worked with his neighbors and helped them out in times of need, too. I first met Jim Anderson in a circumstance when he and his friends and neighbors had pulled together to work on something that they believed in. I owned a natural resource consulting business in Boise, Idaho when Jim Anderson and the Owyhee cattlemen came to me for help in working out a better relationship with the Bureau of Land Management. That was way back in 1979.

We are still working to accomplish that same thing today, a better relationship with the Bureau of Land Management. The BLM manages 74 percent of Owyhee County and 73 percent of Malheur County and has tremendous influence over the lives and the livelihoods of the ranchers in that area. For years the relationship has been declining with the BLM, and Jim Anderson and others were looking for a better way. For the last 25 years I have been working with Jim and the cattlemen in my district to try to help them find a better way. Today, as a Member of Congress, we are still working on finding a better way. I will not stop now.

But always, through all these years, in the battles and the discussions, I have seen the same thing that I saw with the events around Jim's death. I saw people of integrity and people who care really draw together to help each other through a rough time. They care about their families, their neighbors, and they love the land on which they make a living. They have rough, tough jobs, dangerous jobs, but these jobs are not just a way of making a living for them. They are a chosen way of life. In past years their livelihood and their way of life has been threatened. With Jim Anderson and the ranchers in my district, we have fought to protect this unique western heritage and the communities that have developed in the West. These communities still exist and remain strong through the kind of personal integrity, dependability, honor and respect for themselves and their neighbors that we see continue to work for those of us who live in the West.

I said Jim Anderson grew up on a ranch. Indeed he was a fourth-generation rancher. Many of the families who have lived down there have carved their ranches out of the wilderness when Owyhee County was first settled. They brought in long horned cattle from Texas to start their herds and began a long process of improving their range and building homes in some of the most rugged, hostile yet beautiful, country in the world.

You might have heard of the grazing rights these cattlemen have developed. Yes, over time they filed claims on water and they homesteaded lands under various homestead acts, and they proved up on the homesteads and they settled down to raise their families.

I am sure my colleagues have heard of the range wars of the late 1800s and the early 1900s. These range wars raged in my district, and people like Jim Anderson could tell you stories about the challenges their ancestors faced during these times from increasing settlement but, even more, from transient stockmen. The range was open in those days, unfenced and unrestricted. Homestead laws were designed for the East where 160 acres would support a family.

In the arid West, the rugged West, these small parcels were totally inadequate. By looking at a property map, it is readily apparent that the ranchers filed on the best and most valuable lands, those that there were out there in these arid lands, the land with water. Private land winds up and down the creeks and is located on springs or water holes across the landscapes. By homesteading on the creek bottoms where ranchers raised hay for the winter and by owning the water, ranchers were able to graze the open range in their vicinity.

Their goal was to consolidate the range into a workable ranch with the private land and the open grazing land inextricably interlinking elements of the ranch. But other transient cattlemen and transient sheepmen routinely trailed herds back and forth across the land, overgrazing and then moving on, devastating the land. They owned no private land, had no stake in the health of the land, but they simply ravaged the land and then they moved on. The Andersons and many of the old families I mentioned attempted to protect the range they had settled and to keep it in good condition for continued use. They wanted to pass it on to their children in better condition than they got it.

They fought to protect and guard the range and the integrity of the ranch under the provisions of prior beneficial use. But they had no legal basis to exclude others from overgrazing. Well, what resulted was a period of terrible destruction to the land. Transient stockmen ruined the range and prior settled stockmen had no ability to protect their range and no incentive to improve the range or ability to exclude over grazers.

As Members may know, it was cattlemen like Jim Anderson's family who fought for an end to this destructive, degenerating system. It was cattlemen who lobbied for and passed the Taylor Grazing Act of 1934.

The Taylor Grazing Act did four very, very important things. Number one, it eliminated the transient stockmen. Number two, it created grazing allotments out of undesignated lands. Number three, it tied that grazing allotment to a rancher's nearby private property. And, number four, it recognized and guaranteed ranchers prior existing use right to this land in perpetuity. The grazing allotment became appurtenant to the rancher's private land. The grazing allotment was recognized by courts and by banks, by local taxing districts and, yes, by the Internal Revenue Service. Indeed today the

value of the grazing allotment is commonly a majority of the value of the ranch.

□ 1430

Grazing allotments are taxed and used as collateral for bank loans. But besides tying private property and the grazing allotment together in one inextricable ecological and economic unit, the Taylor Grazing Act also gave ranchers the ability and the incentive to improve the range.

And ranchers responded with their hearts and their souls and their hard work. The results were absolutely astounding. With the legal ability to exclude the transient stockman and the right to use the land and improve the land, the entire dynamics of the Western livestock industry's grazing changed.

Today, Mr. Speaker, today I can say that we have one of the Nation's finest California big horn wild sheep populations in that very area, well taken care of by not only our Idaho Fish and Game, but also by our ranchers. That population has grown and proliferated so much that we are now able to take some of those wild sheep out and plant them in other States. It is because of the ranchers and the cooperation that we are seeing results such as that.

Ranchers began fencing to hold their cows in different pastures and to divide their range to facilitate proper grazing allotments and rotation. They began developing springs and water holes away from the creeks, to draw the cattle off the riparian areas and spread them across the range to protect those riparian areas and to spread the grazing more evenly. They began improving roads and building ponds, clearing brush, eradicating weeds and improving the land. Very, very hard work.

Jim Anderson, his family and the families that I have mentioned began working to improve their land and perfect their grazing operations. They have been working on it literally for generations, and the results have been incredible.

Think about it. The cumulative knowledge of generations was contained in Jim Anderson's mind. The knowledge of animals, the knowledge of weather, the knowledge of plants, the knowledge of wildlife and of proper stewardship of that land. All this knowledge was resident in Jim Anderson's mind and in his every action. It was this knowledge that he was passing on to his children as it had been passed on to him.

But what kind of life has Jim Anderson passed on to his two young sons? We fought shoulder to shoulder for 25 years to make it a better life and to guarantee them the best opportunities possible. But what have these fine two boys actually inherited?

A legacy of burgeoning bureaucracy, of strife and conflict in management of public lands, of science with a political agenda, and a legacy of continued restrictions and limitations on the way of life that their family has cherished for generations, a way of life that is pictured in movies, in songs, in dress, in poetry, in novels. But it is being regulated out of our existence in America.

I feel for those boys. Their father and their ancestors left them a proud and wonderful legacy, a rich and strong heritage. Our government, on the other hand, has left them a bitter draught, a sad and heartbreaking regulatory stew, and a lifetime of struggle and strife to just continue the family tradition and maintain their way of life.

Unlike the thousands of youngsters before them, I hope that they are not driven from this land in desperation, hoping to be able to pursue a reasonable living somewhere else without continual government intrusion.

The day Jim was out before dawn to gather his cattle along the Owyhee River, the BLM land managers who manage this area were still in bed. Federal land managers are not members of Jim's community, although they would be welcome and, from time to time, some of them do make themselves part of the community and, indeed, they are personally welcomed.

Most of the managers, though, who manage and make the decisions that affect them live in Washington, D.C. They do not live out there on the ranch and they rarely work out there. Long, regular spells of pushing paper in the office are only occasionally punctuated with short and infrequent visits to the actual land that they manage.

Like in old Ireland, ranchers very rarely see their Federal landlords, except carrying bad news or bringing new regulations or restrictions. It is very little wonder that Jim Anderson and the community of Owyhee ranchers feel a great deal of frustration and are calling for better, more responsive land management. They are also calling for more range monitoring, yes, more scientific range monitoring.

Some allotments in Owyhee County are 8 hours of steady driving from the nearest BLM office. Some are 4 hours driving. But no allotment in Owyhee County is nearer than 1 hour of steady driving, about 50 highway miles from the nearest BLM office.

Today, we rarely see the BLM land managers out there on the ground with the cattlemen, yet Jim Anderson knew and I knew that critical, important decisions that affect our ranchers' livelihoods and their children's futures are being made every day by these government land managers. These decisions are often based on faulty information, poor science or science with a political agenda, and are heavily influenced by the litigation and pressure of urban environmental groups who have limited, if any, knowledge or understanding of the dynamics of the Western range.

Our ranchers today are struggling for a small say in the management of the land they have lived on, the land they have loved for generations. And what they are calling for is better land management through science and on-the-ground range monitoring. They are asking for decisions made on the basis of what the range will actually support, and the cattle stocking levels based on clear scientific standards. But that is not what they are getting, and they and the land deserve far better.

Mr. Speaker, I want my colleagues to know that even here in Washington, D.C., I always carry with me the memories of people like Jim Anderson. I am sure my colleagues know what I am talking about. Their faces and their histories and their families and their struggles are always on my mind. I know the names of their children, they have told me their dreams, and they have shared their frustrations with me.

Today I wanted to share it with my colleagues. I wanted my colleagues to know about a person in my district, a man with hopes and dreams, a man we could have helped to have a better life and to give his children a better future, a person who we have needed to consider in our debates and in our discussions for America's future.

But Jim Anderson is now gone and I ask that my colleagues remember, like I do, who he was and what were his hopes and his dreams; remember his children, that we might treat them with greater respect and more thoughtfully in the future.

Today, all I can say is, goodbye, my friend. We will keep working.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. BENTSEN) to revise and extend their remarks and include extraneous material:)

Mr. BENTSEN, for 5 minutes, today.

(The following Members (at the request of Mr. WOLF) to revise and extend their remarks and include extraneous material:)

Mr. BOB SCHAFFER of Colorado, for 5 minutes, May 12.

Mr. HERGER, for 5 minutes, May 12.

Mr. FOX, for 5 minutes, May 13.

Mr. WOLF, for 5 minutes, today.

Mr. JONES, for 5 minutes, May 12.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. BENTSEN) and to include extraneous matter:)

Mr. KIND.

Mr. WAXMAN.

Mr. KUCINICH.

(The following Members (at the request of Mr. WOLF) and to include extraneous matter:)

Mr. PORTMAN.

Mr. NEY.

Mr. BOB SCHAFFER of Colorado.

Mr. DOOLITTLE.

(The following Members (at the request of Mrs. CHENOWETH) and to include extraneous matter:)

Mr. SHERMAN.

ADJOURNMENT

Mrs. CHENOWETH. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 2 o'clock and 39 minutes p.m.), under its previous order, the House adjourned until tomorrow, Tuesday, May 12, 1998, at 12:30 p.m., for morning hour debates.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

9035. A letter from the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Pyriproxyfen; Pesticide Tolerances for Emergency Exemptions [OPP–300651; FRL–5788–2] (RIN: 2070–AB78) received May 6, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9036. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Bentazon; Extension of Tolerance for Emergency Exemptions [OPP–300646; FRL–5787–4] (RIN: 2070–AB78) received May 6, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9037. A letter from the Administrator, Food Safety and Inspection Service, transmitting the Service's final rule—Elimination of Prior Approval Requirements for Establishment Drawings and Specifications, Equipment, and Certain Partial Quality Control Programs [Docket No. 95–032F] (RIN: 0583–AB93) received April 27, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9038. A letter from the Mayor, District of Columbia, transmitting the District of Columbia Government's report on Anti-Deficiency Act violations for fiscal year 1997 covering the period October 1, 1996 through September 30, 1997, pursuant to 31 U.S.C. 1351; to the Committee on Appropriations.

9039. A letter from the Judge Advocate General, Department of the Navy, transmitting the Department's final rule—Department of the Navy Acquisition Regulations; Shipbuilding Capability Preservation Agreements [48 CFR Part 5231] received April 27, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on National Security.

9040. A letter from the Acting Assistant Secretary for Reserve Affairs, Department of Defense, transmitting a plan to ensure that, on and after September 30, 2007, all military technician positions are held only by dual status military technicians, pursuant to Public Law 105–85; to the Committee on National Security.

9041. A letter from the Administrator, Panama Canal Commission, transmitting a draft of proposed legislation to authorize expenditures for fiscal year 1999 for the operation and maintenance of the Panama Canal, and for other purposes, pursuant to 31 U.S.C. 1110; to the Committee on National Security.

9042. A letter from the Secretary of Defense, transmitting notification that the Secretary has approved the retirement of General George K. Muellner, United States Air Force, and his advancement to the grade of lieutenant general on the retired list; to the Committee on National Security.

9043. A letter from the Chairman, Federal Deposit Insurance Corporation, transmitting the Corporation's semiannual report on the activities and efforts relating to utilization of the private sector, pursuant to 12 U.S.C. 1827; to the Committee on Banking and Financial Services.

9044. A letter from the General Counsel, National Credit Union Administration, transmitting the Administration's final rule—Investment and Deposit Activities; Corporate Credit Unions [12 CFR Parts 703 and 704] received May 5, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

9045. A letter from the Secretary of Housing and Urban Development, transmitting the results of the third annual ''Comprehensive Needs Assessments''; to the Committee on Banking and Financial Services.

9046. A letter from the Secretary of Health and Human Services, transmitting the fiscal year 1996 annual report on occupational safety and health, prepared by the National Institute for Occupational Safety and Health (NIOSH), Centers for Disease Control and Prevention (CDC), pursuant to 29 U.S.C. 671(f); to the Committee on Education and the Workforce.

9047. A letter from the Assistant Secretary for Mine Safety and Health, Department of Labor, transmitting the Department's final rule—Safety Standards for Roof Bolts in Metal and Nonmetal Mines and Underground Coal Mines (RIN: 1219–AB00) received April 28, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

9048. A letter from the Assistant Secretary for Occupational Safety and Health, Department of Labor, transmitting the Department's final rule—Respiratory Protection; Correction [Docket No. H–049] (RIN: 1218–AA05) received April 28, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

9049. A letter from the Administrator, Energy Information Administration, Department of Energy, transmitting the Energy Information Administration's ''International Energy Outlook 1998,'' pursuant to 15 U.S.C. 790f(a)(2); to the Committee on Commerce.

9050. A letter from the Secretary of Energy, transmitting the Department's Annual Report for the Strategic Petroleum Reserve, covering calendar year 1997, pursuant to 42 U.S.C. 6245(a); to the Committee on Commerce.

9051. A letter from the Director, Office of Rulemaking Coordination, Department of Energy, transmitting the Department's final rule—Property Management Regulations (RIN: 1991–AA28) received April 27, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

9052. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval of Section 112(1) Authority for Hazardous Air Pollutants; Perchloroethylene Air Emission Standards for Dry Cleaning Facilities; State of California; South Coast Air Quality Management District [FRL–6001–3] received May 6, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

9053. A letter from the Acting Inspector General, Environmental Protection Agency, transmitting the annual report to Congress summarizing the Office of Inspector General's work in the Environmental Protection Agency's Superfund program for fiscal 1997, pursuant to Public Law 99–499, section 120(e)(5) (100 Stat. 1669); to the Committee on Commerce.

9054. A letter from the Administrator, Environmental Protection Agency, transmitting a report on the ''Status of the State Small Business Stationary Source Technical and Environmental Compliance Programs (SBTCP) for the Reporting Period, January—December 1996''; to the Committee on Commerce.

9055. A letter from the Chairman, Federal Energy Regulatory Commission, transmitting the Commission's final rule—Standards for Business Practices of Interstate Natural Gas Pipelines [Docket No. RM96–1–007, Order No. 587–G] received May 6, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

9056. A letter from the Secretary, Federal Trade Commission, transmitting the Commission's final rule—Guides for the Use of Environmental Marketing Claims (16 CFR Part 260) received April 23, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

9057. A letter from the Chairman, Nuclear Regulatory Commission, transmitting the Commission's report entitled ''Report to Congress on Abnormal Occurrences, Fiscal Year 1997,'' for events at nuclear facilities, pursuant to 42 U.S.C. 5848; to the Committee on Commerce.

9058. A letter from the Chairman, Nuclear Regulatory Commission, transmitting a report on the nondisclosure of safeguards information for the quarter ending March 31, 1998, pursuant to 42 U.S.C. 2167(e); to the Committee on Commerce.

9059. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification that effective April 12, 1998, the danger pay allowance for Liberia has been eliminated, pursuant to 5 U.S.C. 5928; to the Committee on International Relations.

9060. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's final rule—Documentation of Nonimmigrants Under the Immigration and Nationality Act, as Amended—Fees for Application and Issuance of Nonimmigrant Visas [22 CFR Part 41] received April 27, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

9061. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a report on the activities of the Multinational Force and Observers (MFO) and certain financial information concerning U.S. Government participation in that organization for the period from January 16, 1996 to January 15, 1998, pursuant to 22 U.S.C. 3425; to the Committee on International Relations.

9062. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting draft legislative initiatives to amend or create expanded authorities under the Foreign Assistance Act of 1961, as amended and the Arms Export Control Act; to the Committee on International Relations.

9063. A letter from the Interim District of Columbia Auditor, District of Columbia, transmitting a report entitled ''Audit of the People's Counsel Agency Fund for Fiscal Years 1995 and 1996,'' pursuant to D.C. Code section 47–117(d); to the Committee on Government Reform and Oversight.

9064. A letter from the Executive Director, Committee for Purchase from People Who are Blind or Severely Disabled, transmitting the Committee's final rule—Additions to and Deletions from the Procurement List—received May 7, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

9065. A letter from the Manager, Benefits Communications, Farm Credit Bank of Wichita, transmitting the annual report for the Ninth Farm Credit District Pension Plan for

the plan year ending December 31, 1996, pursuant to 31 U.S.C. 9503(a)(1)(B); to the Committee on Government Reform and Oversight.

9066. A letter from the Administrator, General Services Administration, transmitting the 1995–1996 report to Congress on programs for the utilization and donation of Federal personal property, pursuant to Public Law 100–612, section 5 (102 Stat. 3181); to the Committee on Government Reform and Oversight.

9067. A letter from the Assistant Secretary, Land and Minerals Management, Department of the Interior, transmitting the Department's final rule—Royalties on Gas, Gas Analysis Reports, Oil and Gas Production Measurement, Surface Commingling, and Security (RIN: 1010–AC23) received April 24, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9068. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; Oregon [OR 66–7281a; FRL–6006–8] received May 6, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9069. A letter from the Acting Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Shallow-water Species Fishery by Vessels using Trawl Gear in the Gulf of Alaska [Docket No. 971208297–8054–02; I.D. 050198A] received May 7, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9070. A letter from the Director, Office of Surface Mining Reclamation and Enforcement, transmitting the Office's final rule—Louisiana Regulatory Program [SPATS No. LA–017–FOR] received May 6, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9071. A letter from the Secretary of the Interior, transmitting a draft of proposed legislation to compensate certain Indian Tribes for known errors in their Tribal trust fund accounts, to establish a process for settling other disputes regarding Tribal trust fund accounts, and for other purposes; to the Committee on Resources.

9072. A letter from the Chief Justice, Supreme Court of the United States, transmitting amendments to the Federal Rules of Appellate Procedure that have been adopted by the Supreme Court of the United States, pursuant to 28 U.S.C. 2072; to the Committee on the Judiciary.

9073. A letter from the Acting Assistant Attorney General of the United States, Department of Justice, transmitting claims for damages caused by the FBI, pursuant to 31 U.S.C. 3724(b); to the Committee on the Judiciary.

9074. A letter from the Attorney General, Department of Justice, transmitting the annual listing of all grants awarded pursuant to the DNA Identification Act of 1994, pursuant to 42 U.S.C. 3796kk–5; to the Committee on the Judiciary.

9075. A letter from the Chairman, United States Sentencing Commission, transmitting the Commission's amendments to the sentencing guidelines, policy statements, and commentary, pursuant to 28 U.S.C. 994(p); to the Committee on the Judiciary.

9076. A letter from the Acting Assistant Secretary (Civil Works), Department of the Army, transmitting a draft of proposed legislation to provide for the conservation and development of water and related resources, to authorize the Secretary to construct various projects for improvements to rivers and harbors of the United States, and for other purposes; to the Committee on Transportation and Infrastructure.

9077. A letter from the Secretary of Transportation, transmitting a draft of proposed legislation to direct the Secretary of Transportation to provide grants for planning and project implementation to improve transportation at international border crossings and along major trade corridors, and for other purposes; to the Committee on Transportation and Infrastructure.

9078. A letter from the Associate Deputy Administrator for Government Contracting and Minority Enterprise Development, Small Business Administration, transmitting a report on Minority Small Business and Capital Ownership Development for fiscal year 1997, pursuant to Public Law 100–656, section 408 (102 Stat. 3877); to the Committee on Small Business.

9079. A letter from the Secretary of Labor, transmitting the quarterly report on the expenditure and need for worker adjustment assistance training funds under the Trade Act of 1974, pursuant to 19 U.S.C. 2296(a) (2); to the Committee on Ways and Means.

9080. A letter from the Assistant Secretary for Import Administration, Department of Commerce, transmitting the Department's final rule—Antidumping and Countervailing Duty Proceedings: Administrative Protective Order Procedures; Procedures for Imposing Sanctions for Violation of a Protective Order [Docket No. 960123011–8040–02] (RIN: 0625–AA43) received May 4, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9081. A letter from the Secretary of Health and Human Services, transmitting a report on the initial estimate of the applicable percentage increase in inpatient hospital payment rates for fiscal year (FY) 1999, pursuant to Public Law 101–508, section 4002(g)(1)(B) (104 Stat. 1388—36); to the Committee on Ways and Means.

9082. A letter from the Secretary of Labor, transmitting the annual report on trade readjustment allowances (TRA), pursuant to section 231(c) (3) of the Trade Act of 1974, as amended; to the Committee on Ways and Means.

9083. A letter from the Under Secretary for Acquisition and Technology, Department of Defense, transmitting notification of a delay in submitting the Annual Counterproliferation Review Committee Report to Congress; jointly to the Committees on National Security and International Relations.

9084. A letter from the General Counsel, Department of Defense, transmitting four items of proposed legislation that address several concerns of the Department of Defense; jointly to the Committees on National Security and Transportation and Infrastructure.

9085. A letter from the General Counsel, Department of Defense, transmitting several drafts of proposed legislation that address several management concerns of the Department of Defense; jointly to the Committees on National Security and International Relations.

9086. A letter from the Chairman, Federal Deposit Insurance Corporation, transmitting the 1997 annual report on the activities of the Federal Deposit Insurance Corporation relating to the supervision of banks or departments of banks that are operating as municipal securities brokers or dealers, pursuant to 15 U.S.C. 78w(b); jointly to the Committees on Banking and Financial Services and Commerce.

9087. A letter from the Secretary of Health and Human Services, transmitting the Department's final rule—Medicare Program; Scope of Medicare Benefits and Application of the Outpatient Mental Health Treatment Limitations to Clinical Psychologists and Clinical Social Worker Services [HCFA–3706–F] (RIN: 0938–AE99) received April 27, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Commerce and Ways and Means.

9088. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's Federal Equal Opportunity Recruitment Program for Fiscal Year 1997, pursuant to 22 U.S.C. 3905(d)(2); jointly to the Committees on International Relations and Government Reform and Oversight.

9089. A letter from the Director, Office of Government Ethics, transmitting a draft of proposed legislation to amend the Ethics in Government Act of 1978, as amended, to extend the authorization of appropriations for the Office of Government Ethics through fiscal year 2007, pursuant to 31 U.S.C. 1110; jointly to the Committees on the Judiciary and Government Reform and Oversight.

9090. A letter from the Director, Office of Government Ethics, transmitting the Office's Fifth Biennial Report to the Congress, pursuant to Public Law 95–452, section 408 (102 Stat. 3032); jointly to the Committees on the Judiciary and Government Reform and Oversight.

9091. A letter from the Secretary of Transporation, transmitting the crude oil tanker ballast facility study, pursuant to Public Law 104–332, section 2(b)(2) (110 Stat. 4081); jointly to the Committees on Transportation and Infrastructure and Resources.

9092. A letter from the Secretary of Agriculture, transmitting a draft of proposed legislation to reform and improve the administration of certain programs of the Department of Agriculture, and for other purposes; jointly to the Committees on Agriculture, Ways and Means, and Commerce.

9093. A letter from the General Counsel, Department of Defense, transmitting proposals of legislation that address several management concerns of the Department of Defense; jointly to the Committees on National Security, Government Reform and Oversight, and the Judiciary.

9094. A letter from the Secretary of Transportation, transmitting drafts of 2 proposals of legislation, to establish a more effective organization and financing structure for air traffic services and investments within the Federal Aviation Administration and to authorize appropriations for the Federal Aviation Administration for fiscal years 1999—2002, pursuant to 31 U.S.C. 1110; jointly to the Committees on Transportation and Infrastructure, Ways and Means, the Budget, and Rules.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

[Submitted May 8, 1998]

Mr. ARCHER: Committee on Ways and Means. H.R. 2431. A bill to establish an Office of Religious Persecution Monitoring, to provide for the imposition of sanctions against countries engaged in a pattern of religious persecution, and for other purposes; with an amendment (Rept. 105–480, Pt. 2). Referred to the Committee of the Whole House on the State of the Union.

Mr. HYDE: Committee on the Judiciary. H.R. 2431. A bill to establish an Office of Religious Persecution Monitoring, to provide for the imposition of sanctions against countries engaged in a pattern of religious persecution, and for other purposes; with an

amendment (Rept. 105–480, Pt. 3). Referred to the Committee of the Whole House on the State of the Union, and ordered to be printed.

[Submitted May 11, 1998]

Mr. YOUNG of Alaska: Committee on Resources. H.R. 2556. A bill to reauthorize the North American Wetlands Conservation Act and the Partnerships for Wildlife Act; with an amendment (Rept. 105–522). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of Rule X and clause 4 of Rule XXII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. SENSENBRENNER (for himself, Mrs. MORELLA, and Mr. COOK):

H.R. 3824. A bill amending the Fastener Quality Act to exempt from its coverage certain fasteners approved by the Federal Aviation Administration for use in aircraft; to the Committee on Science, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ANDREWS:

H.R. 3825. A bill to amend the National Labor Relations Act to ensure that the National Labor Relations Board does not decline to assert jurisdiction over the horseracing and dogracing industries; to the Committee on Education and the Workforce.

By Mr. ANDREWS:

H.R. 3826. A bill to amend the Davis-Bacon Act to provide that a contractor under that Act who has repeated violations of the Act shall have its contract with the United States canceled; to the Committee on Education and the Workforce.

By Mr. ANDREWS:

H.R. 3827. A bill to require the disclosure under freedom of information provisions of Federal law of certain payroll information under contracts subject to the Davis-Bacon Act; to the Committee on Government Reform and Oversight.

By Mr. ANDREWS:

H.J. Res. 118. A joint resolution proposing an amendment to the Constitution of the UnitedStates to authorize the line item veto; to the Committee on the Judiciary.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

307. The SPEAKER presented a memorial of the Legislature of the State of Hawaii, relative to House Concurrent Resolution No. 141 memorializing the United States Congress to restore food stamp benefits to legal, noncitizen immigrants who have been denied participation in the federal Food Stamp Program due to Public Law 104–193; to the Committee on Agriculture.

308. Also, a memorial of the Senate of the State of Georgia, relative to Senate Resolution 492 memorializing the Congress of the United States to take immediate and appropriate action to have the State of Georgia declared an agricultural disaster area and provide needed assistance to Georgia's farm families; to the Committee on Agriculture.

309. Also, a memorial of the Senate of the Commonwealth of Massachusetts, relative to Resolutions memorializing the President and the Congress of the United States to shift funds from the military to the states; to the Committee on National Security.

310. Also, a memorial of the General Assembly of the State of California, relative to Assmebly Joint Resolution No. 52 memorializing the Congress and the President of the United States to act to vindicate the sailors unjustly blamed for, and the sailors convicted of mutiny following, the Port Chicago disaster, and to rectify any mistreatment by the military of those sailors; to the Committee on National Security.

311. Also, a memorial of the House of Representatives of the State of Vermont, relative to House Resolution 39 memorializing the United States Congress to support legislation that will curtail this economic warfare; to the Committee on Commerce.

312. Also, a memorial of the Assembly of the State of California, relative to Assembly Joint Resolution No. 47 memorializing the 50th anniversary of independence for the State of Israel and looking forward to the celebration of the centurion in the Jewish calendar year 5808; to the Committee on International Relations.

313. Also, a memorial of the Senate of the State of Georgia, relative to Senate Resolution 662 memorializing Congress to oppose any effort to lift or weaken sanctions against Cuba and not to take any other action to support Fidel Castro's communist Cuba; and for other purposes; to the Committee on International Relations.

314. Also, a memorial of the Legislature of the State of Alabama, relative to House Joint Resolution 261 memorializing the Congress of the United States to prepare and submit to the several states an amendment to the Constitution of the United States to add a new article; to the Committee on the Judiciary.

315. Also, a memorial of the General Assembly of the State of Colorado, relative to House Joint Resolution 98–1018, memorializing that the Colorado General Assembly does not support at this time any Congressional action that would establish a national policy expanding taxation of the Internet and other interactive computer services; to the Committee on the Judiciary.

316. Also, a memorial of the General Assembly of the State of Colorado, relative to House Joint Resolution 98–1017 memorializing the United States Congress to enact legislation reauthorizing the federal highway program by May 1, 1998; to the Committee on Transportation and Infrastructure.

317. Also, a memorial of the Legislature of the State of Hawaii, relative to Senate Resolution No. 76 memorializing the United States Congress to enact legislation reauthorizing the federal highway program by May 1, 1998; to the Committee on Transportation and Infrastructure.

318. Also, a memorial of the Senate of the State of Kentucky, relative to Senate Resolution No. 195 memorializing the United States Congress to provide funding without mandates to the Transportation Cabinet; to the Committee on Transportation and Infrastructure.

319. Also, a memorial of the Senate of the State of Georgia, relative to Senate Resolution 591 memorializing Congress to reduce or eliminate the motor fuel tax on low sulphur fuels as a means of encouraging their use and achieving cleaner air.; to the Committee on Ways and Means.

320. Also, a memorial of the Legislature of the State of Alabama, relative to House Joint Resolution 227 memorializing Congress to enact legislation to increase the volume limits for the issuance of private activity tax-exempt bonds; to the Committee on Ways and Means.

321. Also, a memorial of the Senate of the State of Hawaii, relative to Senate Resolution No. 89 memorializing that the Department of Labor and Industrial Relations is requested to develop a workable definition of the term ''Hawaii resident''; jointly to the Committees on National Security and Education and the Workforce.

322. Also, a memorial of the Legislature of the State of Texas, relative to House Concurrent Resolution No. 202 memorializing the United States to allocate funds for road expansion in Texas along the designated route for transporting hazardous waste to the WIPP project; jointly to the Committees on Commerce and National Security.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 230: Mr. MCINTYRE.

H.R. 965: Mr. BARR of Georgia.

H.R. 1126: Mr. LAFALCE, Mrs. MEEK of Florida, and Mr. MILLER of Florida.

H.R. 1401: Mr. BUNNING of Kentucky.

H.R. 1404: Mrs. CAPPS.

H.R. 1524: Mr. PAPPAS.

H.R. 1595: Mr. KINGSTON.

H.R. 1636: Ms. CARSON.

H.R. 2077: Ms. ESHOO.

H.R. 2094: Mr. LEWIS of Georgia.

H.R. 2229: Mr. ANDREWS.

H.R. 2409: Mr. WATTS of Oklahoma.

H.R. 2639: Ms. STABENOW.

H.R. 2678: Mrs. MORELLA.

H.R. 2829: Ms. DUNN of Washington.

H.R. 2869: Mr. PETRI.

H.R. 2948: Mr. SAXTON, Mr. SNOWBARGER, Mr. CLYBURN, and Mrs. MORELLA.

H.R. 3229: Mr. CANADY of Florida, Mr. LEWIS of Kentucky, Mr. PITTS, and Mr. GUTKNECHT.

H.R. 3230: Mr. CANADY of Florida, Mr. LEWIS of Kentucky, and Mr. PITTS.

H.R. 3304: Mr. SHAW and Mr. FOLEY.

H.R. 3494: Mr. MCINNIS.

H.R. 3614: Mr. HOYER, Mr. FILNER, Mr. HILLIARD, and Mr. BATEMAN.

H.R. 3674: Mr. OBEY.

H.R. 3749: Mr. PETERSON of Pennsylania and Mr. FRANKS of New Jersey.

H.R. 3794: Mr. MARTINEZ, Mr. BROWN of California, Mr. STARK, Mr. WAXMAN, Mr. TORRES, Mr. MATSUI, Ms. MILLENDER-MCDONALD, Mr. DOOLEY of California, Ms. PELOSI, Ms. LOFGREN, Mr. DIXON, Mr. FAZIO of California, Ms. ESHOO, Ms. SANCHEZ, Mrs. CAPPS, Mr. SHERMAN, Mr. LANTOS, Ms. ROYBAL-ALLARD, and Ms. WOOLSEY.

H. Con. Res. 52: Mrs. TAUSCHER, Mr. STUPAK, and Mr. JENKINS.

H. Con. Res. 271: Mr. BLILEY, Mr. MENENDEZ, Mr. LEVIN, Mr. MANTON, and Mr. MCNULTY.

H. Res. 399: Mr. UNDERWOOD.

H. Res. 423: Mr. SOLOMON, Mr. ENSIGN, Mr. PEASE, Mr. MILLER of Florida, Mr. WOLF, and Mr. MORAN of Kansas.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the clerk's desk and referred as follows:

62. The SPEAKER presented a petition of the Board of Supervisors of the County of Yuba, CA, relative to Resolution No. 1996–36 petitioning the President and the Vice President of the United States to endorse and support the 940th ARW as the next KC–135 unit to convert to R-model aircraft; to the Committee on National Security.

63. Also, a petition of the Legislature of Rockland County, New York, relative to resolution No. 103 petitioning the United States Congress to ratify the Convention on the Elimination of all Forms of Discrimination Against Women; to the Committee on International Relations.

64. Also, a petition of the City Council of Maple Heights, OH, relative to Resolution No. 1998–32 petitioning their opposition to the coverage of all state and local employees by Social Security; to the Committee on Ways and Means.

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PROCEEDINGS AND DEBATES OF THE 105th CONGRESS, SECOND SESSION

Vol. 144 WASHINGTON, MONDAY, MAY 11, 1998 No. 58

Senate

The Senate met at 12 noon, and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

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

Almighty God, who calls strategic leaders to shape history, we pray for the women and men of this Senate. As we begin a new week, may they feel awe and wonder that You have chosen them through the voice of Your people. May they live humbly on the knees of their hearts, honestly admitting their human inadequacy and gratefully acknowledging Your power. Dwell in the secret places of their hearts to give them inner peace and security. Help them in their offices, with their staffs, in committee meetings, and when they are here together in this sacred, historic Chamber. Reveal Yourself to them. Be the unseen Friend beside them in every changing circumstance. Give them a fresh experience of Your palpable and powerful Spirit. Banish weariness and worry, discouragement and disillusionment. Today, may we often hear Your voice saying, ''Come to me, all you who labor and are heavy laden, and I will give you rest.''—Matt. 11:28. Lord, help us to rest in You and receive the incredible resiliency You provide. Thank You in advance for a truly productive week. In the Name of our Lord and Savior. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The able acting majority leader is recognized.

Mr. THOMAS. Thank you, Mr. President.

SCHEDULE

Mr. THOMAS. Mr. President, for the information of all Senators, this morning the Senate will be in a period of morning business until 2:30 p.m. Following morning business, the Senate will attempt to enter into several time agreements with respect to the high-tech legislation. At approximately 3 p.m., the Senate will consider the agricultural research conference report, and later this afternoon begin consideration of the missile defense bill.

As a reminder, no votes will occur during today's session, and any votes ordered today will be postponed to occur on Tuesday, at approximately 12 noon. Also, on Tuesday the Senate will attempt to reach a time agreement on the D'Amato breast cancer bill and may also consider the charitable contributions bill. During the latter part of the week, the Senate may also consider DOD authorization. I thank my colleagues for their attention.

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

The PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of morning business.

FAA'S ACTIONS ON BOEING 737'S

Mr. FORD. Mr. President, today, I want to take a few minutes to speak on the latest actions by the Federal Aviation Administration with respect to its emergency inspection order of Boeing 737's.

Last Thursday, May 7th, the FAA issued an airworthiness directive which ordered the inspection and possible replacement of fuel tank wiring insulation in certain Boeing 737's, 747's and 767's. The FAA order for 737's required immediate action on an estimated 152 U.S. registered Boeing 737–100 and –200 models with more than 50,000 hours of flying time. A second directive also ordered the operators of 264 Boeing 747's and 231 Boeing 767's to inspect wiring within 60 days.

Yesterday, Sunday May 10th, the FAA ordered the immediate inspection for all older Boeing 737's with between 40,000 and 50,000 flight hours. The FAA ordered that the aircraft could not be operated in commercial service until mechanics could inspect, and repair, if needed, the fuel tank wiring. The FAA's action on Sunday came about after initial inspections by the airlines found additional evidence of electrical problems in the fuel tank wires.

There is no question that the FAA's actions inconvenienced a number of travelers yesterday. The decision by the FAA to issue the emergency order was a tough call, but it was the right call to make. It also demonstrates the FAA's continuing commitment to safety.

As Administrator Garvey said ''Safety is our highest transportation priority''. Her actions and words are to be commended. I wanted to come to the floor to recognize the actions of FAA Administrator Garvey. She and her staff acted quickly and decisively. Many of us around here have often taken to the floor to say that the FAA's first priority should be safety. And the actions taken by Administrator Garvey are a clear demonstration to all of us that the FAA is vigilant in improving safety within the aviation industry. The actions are also clear evidence of a change in the culture of the FAA—that the agency is proactive in enforcing safety standards.

We should also acknowledge the actions taken by the airlines and the

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

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Boeing Company. Working in partnership with the FAA, these inspections were undertaken quickly and as a result, a potentially disastrous situation was averted.

I, for one, feel re-assured this morning because of the actions taken by the FAA. I have always been confident that FAA Administrator Garvey would do an outstanding job. Her actions over the weekend have only deepened my confidence in and respect for her, and for the agency.

Mr. BYRD. Mr. President, I ask unanimous consent I may consume such time as I may require.

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

EULOGY TO SENATOR JENNINGS RANDOLPH

Mr. BYRD. Mr. President, it is my sad duty to announce to the Senate the death on last Friday of our former colleague, U.S. Senator Jennings Randolph. With countless West Virginians, and with his many friends across America, I am saddened by the passing of my longtime friend.

Jennings Randolph was a man possessed of a profound love for West Virginia and for the Nation. More, he was a man of seemingly boundless energy and limitless horizons. Both in Government and in his several other fields of interest and expression, Senator Randolph seemed constantly to be looking for ways to assist other people to achieve their own potential, or for avenues by which others might attain a better life for themselves. He was, paradoxically perhaps, an indefatigably optimistic realist. Jennings Randolph knew that life often demands struggle and many times ends in defeat; but for every problem, Jennings believed that good-willed, intelligent, and decent men and women could find solutions to their mutual and individual problems, if they united their talents in a mutual effort to overcome frustration or evil, or if they but reached into their deepest resources of character.

An educator, writer, public speaker, aviation enthusiast, corporate executive, a Representative and a Senator, Jennings Randolph was a master of many talents. I was honored to serve with him as a colleague, and honored to call him my friend.

If events can foreshadow destinies, perhaps Jennings Randolph's destiny was outlined at his birth, 96 years ago, in 1902. One of Senator Randolph's father's closest friends was the great William Jennings Bryan. Jennings was fond of recounting the anecdote that his father was with Bryan shortly after Jennings' birth. When told of the arrival of a new Randolph male, Bryan asked Mr. Randolph, ''Have you named this boy?'' ''No,'' the father replied. ''Then why don't you give him part of my name as a good Democrat?''

So Jennings Randolph received his name from the perennial Presidential candidate, William Jennings Bryan—a name that Randolph never tarnished and that he burnished brilliantly in his own career.

I recall another story that Jennings Randolph sometimes told out of his boyhood in Salem, West Virginia. According to Jennings, Salem had a water tower that stood high on a hill above the town.

Jennings said that he told his father and mother, ''If I could just get a long pole and * * * climb up on that tank, and hold out that pole, I believe I could touch the sky.'' That is a story that shows the theme of this man's life—the tale of a boy who wanted to touch the sky. And when that boy became a man, touch the sky he did.

Jennings Randolph graduated from Salem College in 1924. From there he went into newspaper work in Clarksburg, West Virginia, and later in Elkins. A short step more took him onto the faculty of Davis and Elkins College as a professor of speech and journalism, and the director of athletics. Working in that capacity, in 1932 Jennings Randolph was elected to the U.S. House of Representatives, entering as a strong supporter of Franklin D. Roosevelt's ''New Deal,'' and serving in the House until January 3, 1947.

In 1947, he accepted a position as assistant to the President of Capital Airlines and Director of Public Relations. In 1958, however, Jennings Randolph returned to politics. He loved politics; he loved to ''Press the flesh.'' He couldn't get politics out of his blood. So he won election to the U.S. Senate to complete the unexpired term of the late Senator Matthew Mansfield Neely from West Virginia. On November 5, 1958, Jennings took the oath of office as U.S. Senator.

Elected in that same election for a full Senate term, for 26 years, I shared with Jennings Randolph the privilege of representing and serving West Virginia in the United States Senate. That partnership I shall cherish always. No man could have asked for a more generous, dedicated, or thoughtful colleague than I had in Jennings Randolph. And I know from my own experience that Jennings Randolph was certainly a man whose touch reached the sky. In West Virginia to this day, thousands of people bless his name for the deeds that he did for them as a friend and as a faithful public servant.

One of Jennings Randolph's greatest areas of ongoing contribution was to the development and advancement of air flight.

Some may recall the ancient Greek myth of the flight of Icarus. According to that legend, Icarus attempted to fly, using wings attached to his body with wax.

Icarus flew, to be sure. But Icarus flew too close to the sun. The sun melted the wax on Icarus's wings, and he fell into the sea.

Early on, Jennings Randolph became interested in flight. Fortunately for him and for us, Jennings went about getting into the air more safely than Icarus did.

As I mentioned, in 1947, Jennings Randolph became an assistant to the President and Director of Public Relations for Capital Airlines—one of the companies that later formed United Airlines. In that position, for the next eleven years, Jennings Randolph advanced the airline industry here and abroad. While Jennings was with Capital Airlines, however, he undertook one mission that places him on an equal footing with Icarus—in bravery and, of course, Jennings was far more successful than Icarus. On November 6, 1948, with a professional pilot at the controls, Jennings Randolph flew from Morgantown, West Virginia, to the Washington National Airport in a propeller plane fueled with gasoline made from coal. Now, that was just like Jennings Randolph—out there pioneering, not only in flight, but also in the use of fuel in that plane that had a West Virginia Source—coal. Certainly, that project was an act of faith, for which many remember Senator Randolph.

Not as well remembered is Congressman Jennings Randolph's introduction in 1946 of legislation to create a National Air Museum. Three decades later, on July 4, 1976, Senator Randolph dedicated the National Air and Space Museum complex on the Mall in Washington—noted today as one of the most popular tourist attractions in the Nation's Capital.

Jennings Randolph was an advocate of numerous other items of vital legislation as well—legislation to aid the handicapped and black lung victims, legislation to promote clean water and clean air, legislation to provide vocational and career education, and the legislation that created the National Peace Academy in 1983.

In announcing his decision not to run for reelection to the Senate in the 1984 race, Jennings said, ''* * * It's been a happy road. I have no regrets. * * * I believe the Bible says there is a season and a time for every purpose. It is time for me not to run for reelection.''

That ''happy road'' was an unparalleled example of citizenship and public service. In an era in which so many seem preoccupied primarily with grasping and grabbing for themselves, Jennings Randolph was committed to exerting himself—his intellect, his energy, and his considerable talents—on behalf, and in behalf, of his fellow citizens, his fellow West Virginians, his fellow Americans, his fellow human beings.

Jennings lived a long time—a full and active life. But all of us, high and low, rich and poor, must one day say goodby to friends and loved ones in this earthly life and make our journeys to that unknown bourne from which no traveler returns.

It was on last Friday morning that the pallid messenger with the inverted torch beckoned Jennings to depart.

Jennings' passing reminds me of Thomas More's lines.

When I remember all
the friends so linked together

I've seen round me fall
like leaves in wintry weather
I feel like one who treads alone
some banquet hall deserted
whose lights are fled
whose garlands dead
and all but he departed . . .

Whether Jennings, on that last morning, saw a more glorious sun rise with unimaginable splendor above a celestial horizon; whether his dexterous and disciplined faculties are now contending in a higher senate than ours for supremacy; whether he yet remembers us as we remember him, we do not know. These questions are much like the question that came from the lips of that ancient patriarch, a man of Uz, whose name was Job, ''If a man dies, shall he live again?''

But we have the consolation expressed by that same man of Uz,

Oh that my words were written in a book and engraved
With an iron pen, and
lead in the rock forever,
For I know that my
Redeemer liveth and that
in the latter day he shall
Stand upon the earth.

So, Jennings Randolph has crossed the Great Divide.

I think of others who were serving here when Jennings Randolph and I took the oath of office to serve in this Chamber. It was almost 40 years ago. I remember Senators on both sides of the aisle: Senator Aiken, Senator Anderson of New Mexico, Senator Harry Byrd, Sr., of Virginia, Senators Capehart of Indiana, Chavez of New Mexico, Cooper of Kentucky, Dirksen, Douglas of Illinois, Eastland, Ellender, Fulbright, Hayden, Hennings of Missouri, Hickenlooper of Iowa, Hill of Alabama, Holland of Florida, ''Scoop'' Jackson of Washington, Johnson of Texas, Johnston of South Carolina, Langer of North Dakota, McClellan of Arkansas, Magnuson of Washington, Wayne Morse of Oregon, Murray of Montana, Willis Robertson of Virginia, Richard Russell, Saltonstall of Massachusetts, Stennis of Mississippi, Symington of Missouri, and Milton Young. All of these, and others, were here.

Of that illustrious band which sat in this Chamber when Jennings Randolph and I first entered the Senate, only STROM THURMOND and I remain here.

They are drifting away, these friends of old
Like leaves on the current cast;
With never a break in their rapid flow,
We count them, as one by one they go
Into the Dreamland of the Past.

Erma and I extend our condolences to Jennings' two sons, Jay and Frank, and to others of his family.

Mr. ROCKEFELLER. Mr. President, it probably would not have been within the nature of the Senator from West Virginia, Senator Jennings Randolph, to object to something that was about to be said about one of his departed colleagues. He was not like that. But I need to report to you, as of course our colleagues know, that Senator Randolph has died. My colleague, Senator BYRD, spoke to the subject, and did so very eloquently.

I think the sad news, of course, is that he is no longer with us. The good news is, in talking with one of his two sons Jay and Frank—and the Senator from West Virginia talked with Jay—he said he died very peacefully on Friday. He was a great defender of all 13 States in the Appalachian Regional Commission, including the State of Mississippi.

It was a very interesting decision, in fact, when Senator Randolph decided to resign. I now can tell a story which I have never told before because it was one of such exquisite sensitivity on the part of the then-senior Senator from West Virginia, Senator Randolph.

No Governor has ever been elected to the U.S. Senate from the position of Governor of West Virginia. It has never happened in our history. There are reasons for that. In any event, my term was expiring as Governor in 1984, and I wanted very much to run for the Senate, but, on the other hand, Senator Randolph was a very, very formidable Senator, obviously a powerful committee chairman, had been in the Congress longer than anybody. He was the only person to reach back to the original first days of Franklin Delano Roosevelt, Jr., and he was literally at Franklin Roosevelt's side on a number of occasions when he signed bills. This is an enormous bridge of history and bridge of spirit. I think he wanted to rerun for another term. I don't know that, but it is my feeling that he did, because he was a very young 84. Anyone who knew Jennings Randolph knew him to be hardy, vigorous, strong, and very much in love with his job.

He, understanding my interests, and my understanding his interests, he being obviously by far in the stronger position, asked me to come have breakfast with him at his hideaway. Being senior, he had a very nice hideaway. I had never been to a hideaway before, and rarely have been to one since. He had a nice breakfast served there. There was pleasant conversation. He was very relaxed. Then he simply turned to me and he said, ''Jay, would you like to be the next Senator from West Virginia?''

I said ''Senator, yes, I would, but not if you, Senator Randolph, want to run for reelection.'' And I meant that.

Without really pausing anymore than I had, he said, ''Well, I think you should be the Senator.''

If one thinks back as a Senator of what one has known over the years, it is very rarely that a Senator who has spent virtually all of his life in public service willingly, generously, and warmly gives up his seat, which probably could have been his again, in order to step aside for somebody somewhat younger.

That is not a story I have ever heard told before because I am not sure it has happened before, but it is a story that I am very proud to say today because I told Senator Randolph's son, Jay, that I wanted to tell it today. Jay knew about it because his father had told him about it. It is something that, better than anything I could say, characterizes the nature of the generosity of this man, which was counteracted on the other side by a ferocity of intensity about his work.

It is very hard to make any other case, but this man was a giant in legislative history, and one could say for no other reason than he served for as long as he did, simply to say, ''I served with Franklin Delano Roosevelt.'' How many times did I hear him talk about Franklin Delano Roosevelt?

He was by nature a man who believed in government—and he was very much a Democrat that way, although he was a conservative Democrat on many social issues—in terms of what is it the people need, what is it the people shall have, what is it that I think I can help them get. In fact, when he made that decision not to run, our unemployment rate in West Virginia was somewhere around 17 or 18 percent. Government was very important to Senator Randolph, and he led his life and his legislative life very much with that in mind.

He and Senator BYRD were elected at the same time in 1958 because there was a special vacancy because of a special circumstance.

Positive, civil, courteous, and kind he was. I asked, before I arose to make these remarks, where he sat, and I was informed that he sat in five different desks. One of them, I think, is the desk from which Senator LEVIN from Michigan just spoke.

Over his time here, he insisted on courtesy in the Senate, something which has been paralleled by his colleague, Senator BYRD, for so many years. I am told by my father-in-law, Senator Percy, who was also his very close friend, that he would often get up and insist on order in the Senate. He was very much a stickler for protocol and order and also for voting from his or her desk, which is something that Senator BYRD also feels very strongly about.

I remember a Senator of kindness, of good humor who was always in an ebullient mood, who actually bounced sometimes when he talked he was so enthusiastic about what he was doing. But he demanded dignity in the treatment of others. He demanded respect in the treatment of others. He was very old-fashioned in his ways and, thus, I think we miss him even more these days.

He did many things. He was always open to new ideas. He actually, more than 50 years ago, flew an airplane for some distance that was powered entirely by methanol. One, he knew how to fly an airplane, which was unusual; two, he flew an airplane which was powered by methanol, which was almost unprecedented. He involved himself at a very early age, and he did so with extraordinary effectiveness.

I could talk for an hour, which I will not, about what he accomplished. Everybody knows that he really was the

founder of the Appalachian Regional Commission, which has done so much to help not only the State he loved, West Virginia, but 12 other States in addition to that. He was a principal architect of the Interstate Highway System which helps to place him in time, because that was done during, as we know, the middle and late fifties.

I think the proudest of all of his achievements, or the one that caused him to talk the most and to be the most enthusiastic about, was the 26th amendment. He was the author and the driver of the 26th amendment which gave 18-year-olds the right to vote in this country.

He protected the environment with ferocity. He was tremendously interested in coal, as well as the environment, in worker safety and, as I have indicated, in aviation issues, and in just simply countless other areas.

He was prodigious in his volume of output. Of course, that was, in part, because he was chairman of a very powerful committee, and he was chairman of that committee for a very long time. That was in the days when the Senate tended to be more in control by one party than the other for a very long time. He worked with the Scoop Jacksons and the Lyndon Johnsons and all of the others. They were able to accomplish an enormous amount. He did that and he loved it—he simply loved doing that. He simply loved laying pavement out across the wide horizons of our country.

There was an interesting aspect to Senator Randolph. He was intense about all of his work, but he was very much of a U.S. Senator from the State of West Virginia. He accepted full responsibility for the title ''U.S. Senator'' and acted on all matters that related to that with incisiveness and careful thought. But he liked to say—and often said, and said with great pride—quoting him—''I essentially am a West Virginia Senator. I'm not what you'd call a national Senator or international Senator.'' I think if he were here today, I am not sure the words would be that different.

And to understand that one has to understand his roots. He was born in this tiny community of Salem, WV, which is now the home of probably as many Japanese students in a Salem-Tokyo University setting as reside anywhere else in this country. His father was the mayor of Salem. He was born with very little money, and he worked his way in farm jobs. He knew agriculture very well. He worked for anybody who would give him a job to put a few dollars in his pocket so he could further his education and improve his possibilities. I liked that about him, because he was utterly a rural Senator, but with an urban reach when it came to the national part of his responsibilities.

He started in journalism and was always a prolific writer. He married Katherine Babb and won election to the House of Representatives in 1932 at the age of 30. One can do that these days, although one cannot go much younger than that legally. But then it was extraordinary, it was extraordinary to be able to do that. And I indicated he has two sons, Jay and Frank.

So more than 50 years later, I think the occupant of the Presiding Officer's chair will understand that it is quite a feeling for me to have succeeded him, to have been allowed to succeed him by his own gesture of generosity and, frankly, just to be able to succeed him.

He is long remembered in this body, as well as in the House, for the very exceptional nature that he had: High optimism, great confidence, enormous belief in country, and his absolute love for his State. He also—and I will say this in closing—he had a great love for his profession. And in that I think many of us join him. He was not one of those who felt being in public service was some kind of a second choice; I think he felt it was the best choice of all.

He was somebody who honored his craft, who brought great distinction to his craft, who never compromised on his principles. And when he faced a West Virginia audience or a Senate Chamber, he could stand tall and strong and broad shouldered, as he was, and do his work, because he knew he was doing work which was enormously important for helping the people that he so loved from the State of West Virginia.

So this is a day and a time that we have reason to reflect on Jennings Randolph and what made him an exceptional person. It is sad, I think, this tradition in the Senate when we do this about Senators when they die. It would be almost impossible to create a tradition where we did that while they were still living. But it would be nice if they could hear what it was that we say about them. And I suspect that Senator Jennings Randolph is able to hear and to know on this day, and days to succeed, what his colleagues think about him.

I personally am grateful to him for many reasons, as I think should be very obvious. I am not sure that I would be here if it were not for Jennings Randolph. And I know that my colleagues join me in our prayers and our thoughts for his family and in thanking Jennings Randolph for his enormous contribution to a craft which we call public service. And we do that with honor and pride.

I thank the Presiding Officer.

Mr. WYDEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Oregon is recognized.

Mr. WYDEN. Thank you, Mr. President.

Before the Senator from West Virginia leaves the floor, let me say I thought he was extraordinarily eloquent. I got a chance to know Senator Randolph a bit as a Member of the House. And the Senator's statement here today really sums up the extraordinary qualities of this great man. I am very pleased to have been able to be here for a few minutes to hear the Senator's very fine speech.

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

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

The legislative clerk proceeded to call the roll.

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

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

Mr. THOMAS. Mr. President, I ask unanimous consent that I be allowed to speak as in morning business for as much time as I may need.

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

Mr. THOMAS. Thank you.

TRIVIALIZING GOVERNANCE

Mr. THOMAS. Mr. President, we are not moving along too quickly this morning, so I thought I would take an opportunity to visit about an observation that I have made. We had a few moments ago the remarks by the good Senator from West Virginia about the passing of a former Senator from his State. He talked a bit about the past, a bit about the history of the Senate, and it was extremely interesting. This place, of course, is filled with history, it is filled with tradition, and that is good.

On the other hand, there are changes that have taken place, and one of them is a little troubling to me. It does seem as if we are increasingly moving governance into more of show business and into more of political spin, more of promotion, more of advertising than really dealing with issues based on the facts and how they impact us.

The basic principle, of course, of our historic democracy, thankfully, continues to exist, and we must insist that it does continue to exist—the idea of a government by Constitution and adhering to the basic tenets of the Constitution, the separation of institutions that provide some semblance of power division among the executive and the legislative and judicial branches; the idea of public access, that people have an opportunity to participate fully in government, that people have an opportunity to have the background and the facts that are necessary to participate; the idea of disclosure—we talk about that a lot—majorities deciding the direction that we take in this country based on facts, rule of law. In short, a government of the people, by the people and for the people, of course, and these are basic elements of democracy.

An informed public is essential to that government of the people. Ironically, technology, which has provided us with the greatest opportunity to know more about what is happening more quickly than ever—can you imagine what it must have been like 100

years ago to be home in Wyoming and wonder what is going on in Washington? I suppose there was some comfort in that, as a matter of fact, but, nevertheless, it is quite different than what we have now. We have now the greatest opportunity in history for people to know what is happening and to know instantly what is happening. If a decision is made in Israel this morning, minutes later, the whole world, of course, is familiar with it.

Unfortunately, the same technology that has provided us the opportunity to know so much more has accommodated and, in fact, I suppose, engendered some of the changes that are taking place in terms of the promotion of ideas and our method of governance.

Unfortunately, spinning, promotion, and media hype have replaced real debate based on the issues, and that is too bad. It seems to me that this administration and, I must say, my friends in the minority, have perfected the idea that success is not policy or success is not finishing the job; success is having an opportunity to spin an issue on the evening news; success is getting coverage on the 5 o'clock national report. If polls indicate there is an issue out there in which people are interested and it is currently being discussed, this administration is quick to describe the problem and promise a Federal solution with lots of Federal money—''We'll fix it for you.''

Often there is no plan presented to deal with the problem. There is generally no real proposal to implement, nothing is laid before the Congress. Frankly, there is really no expectation that anything is going to happen; that the idea is, ''Here's the problem, here's what the polls have said; we'll fix it.'' And if you don't agree with that, suddenly you are out of step with the world. So success is measured in media rather than solutions. Unfortunately, I think we see more and more of that.

It is interesting to me, because, depending upon your point of view about government, there are problems and there are appropriate ways to fix them and appropriate ways to deal with them. Of course, it is true that people have different views about that. There are those who believe the Federal Government ought to be the primary fixer of whatever the problem. That is a legitimate liberal view. There are those who believe that it is more likely to find satisfactory solutions if you go to the State, the local government, or the private sector. That, I guess, is a more conservative view. But more important than the philosophy, I think it is appropriate that when you have something you want to deal with, we ought to talk a little bit about where it can most appropriately be fixed.

Should it be done at the Federal Government level? Should it be the kind of program that is one size fits all? I am very sensitive about that, I suppose, being from Wyoming. We are the smallest, population-wise, State in this country. So things that work in Pennsylvania, things that work in New York, do not necessarily work in Wyoming or Nevada or Kansas. So we are better off, in many instances, to say, ''Wait a minute. This service can better be delivered on the basis of a State solution, although the politics of it is, 'Let's get on TV and say we'll fix it for you,'" even with no expectation of having it happen.

So I think we are finding more and more of that. And it just seems to me that it is something we ought to really evaluate, this idea that we watch the polls, find an issue, go to the TV, say we will fix it, and then beat up on everybody who really does not agree with that, without having any genuine—genuine—debate or discussion or analysis of how we best deal with the problem and where it works.

Generally, these are things that are done certainly in a broad context. Everyone cares about children, so if you have a proposal on children—and to suggest that we do not is offensive to me. Everybody cares about child care, but where is it best dealt with? Everybody cares about health care. Where is it best provided? Everybody cares about secondary and elementary education. Where do we best deal with it? It is not enough just to say, ''We've got a problem. I want 100,000 teachers; I want the Federal Government to pay for it. It will become a mandatory program, and we have more and more Federal control.''

Those are the debates. Those are the debates. I guess it troubles me because we sort of trivialize governance with this business of applying the media technique. I understand that the minority—and Republicans have been in the minority, of course. For the minority it is easier to make proposals. It is easier to throw stones and things because you do not have the responsibility to finish it up.

So it is, I think, an interesting kind of thing and one that I believe has some bearing on us really solving problems here. I think it is something we all ought to give some consideration to so that we begin to say to ourselves, ''Here's the problem. How do we best resolve it?'' not just ''How do we get the best 5 o'clock news out of it?'' Success should not be how much media coverage; success ought to be dealing with the problem, trying to resolve it with real debate, real desire to put it where it belongs. Many problems are best solved in the private sector, best solved in State and local government, best solved—some—by the Federal Government. And those are the decisions that we should make.

So, Mr. President, as we move forward I hope that we do maintain the elements of democracy. I have had the occasion, being chairman of a subcommittee on Foreign Relations, to go some places where they do not have democracy. And obviously the things that keep them from that is not having a constitutional government to which people can adhere and a rule of law which enforces it, an opportunity for people to voice their opinions and an opportunity for people to be informed as they form these opinions. These are the things that I think are important to our democracy and I am very interested in maintaining.

Mr. President, I yield the floor.

Mr. BENNETT addressed the Chair.

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

Mr. BENNETT. Mr. President, am I correct that I am recognized by previous order for 15 minutes?

The PRESIDING OFFICER. The Senator is correct.

Mr. BENNETT. I thank the Chair.

THE Y2K PROBLEM

Mr. BENNETT. Mr. President, I rise because this is an anniversary date, not an anniversary of something that happened in the past but an anniversary of something that is going to happen in the future. This is an anniversary that is counting backwards. Depending on how you count it, this is either day No. 599 or day No. 600; 599 to the 31st of December, 1999, or 600 days prior to January 1, 2000—the day of the great New Year's Eve party that everybody is reserving their time for in Times Square, in the various hotels in New York. But it is also a day that we need to look forward to with some concern because of what has come to be known as the millennium bug, the year 2000 problem, or, as the computer people abbreviate it, Y2K.

I used the phrase ''Y2K,'' and my wife said, ''What are you talking about? What does it stand for?'' Well, the ''Y'' stands for ''year;'' ''2'' and ''K,'' for ''kilo'' or 1,000 years—2,000—so it shortens it. Call it Y2K. She stopped and thought about it a minute, and she said, ''Y2K or year 2000, you only save one syllable. What's the point?'' Nevertheless, that is what it has come to be known as.

As the chairman of the newly created committee dealing with this challenge here in the Senate, I want to take this anniversary date to bring the Senate and any who are listening over C–SPAN out in the country as a whole up to date on where we are with the Y2K problem.

First, let me outline the dimensions of the problem. A lot of people say, ''Oh, yes; we understand it. It is simply that computers are geared to handle the date with two digits instead of four.'' So 1998 would be in the computer as ''98'' instead of ''1998.'' And that means when you get to the year 2000, the ''00'' to the computer means ''1900'' because the ''19'' is assumed in advance.

Actually, it is more serious than that. There are three areas of concern about Y2K.

The first one, of course, is the software concern that I have already mentioned. The software is programmed with two digits for the date instead of

four. If you do not change the software program, the computer runs into problems and starts to do very strange things when it hits the year 2000. That is the first area, the area we have been focused on.

Since I have been involved in this issue—and it has been almost a year since I began to focus on it—I have discovered there were two other areas. So in addition to software, you have a hardware problem symbolized in the phrase ''embedded chips.'' These little tiny chips that drive the computers, the miracles of the modern technological age, very often have a date function built into them. And, again, in order to save space on the chip, the date function is built in with two digits.

Where are the embedded chips? They are embedded everywhere. Andy Grove, the CEO of Intel, the largest producer of chips in the United States, was here in Washington a week or so ago. He was asked, ''How serious is the Y2K problem?'' He said, ''It is very serious. And the reason is''—he is focusing on the chip side—''you don't know where the embedded chips are embedded.'' ''For example,'' he said, ''the thermostat in your home may not work after New Year's Eve, 1999.'' Now, it will not do you any good to call the manufacturer of the thermostat and ask him, because the manufacturer himself does not know. The chips were purchased, put into the thermostat, without concern as to whether or not they had a date function. And if the manufacturer got some chips that had date functions in them and put those chips into your thermostat, you are going to be very chilly on New Year's Day in the year 2000. And there is no way of knowing in advance whether that is going to happen.

That can be a nuisance for you, it can be a life-or-death situation for some people, and it can be an enormous manufacturing challenge where we are storing and refrigerating meat and other perishables that are dependent on those embedded chips. It can be a life-or-death situation for an automobile manufacturer whose entire plant is now automated with robotics, all of which have embedded chips.

So, as I said, Mr. President, it is not just the software that needs to be changed, as the first of these three areas of concern; it is also the embedded chips that need to be found and dealt with.

As a final footnote to this, I was discussing this whole Y2K issue with an individual at the Church of Jesus Christ of Latter Day Saints, more commonly known as the Mormon Church, the largest church in the State which I represent, asking him how prepared the church was. Fortunately, it was good news. He said the church was quite prepared. But he said, ''We have identified, among other things, two embedded chips in the tabernacle organ, which if we do not replace means that the Mormon Tabernacle Choir will not have any organ accompaniment to it on January 1, 2000.'' That shows how ubiquitous the problem of the embedded chips can be and how it can show up in places no one would ever think.

I said there were three areas of concern. I talked about the software and the embedded chips. What is the third? This is the area of connections. Everything in the computer world is connected to everything else in one way or another. I was at the Defense Department talking to those officials about their Y2K problem and made the comment about how difficult it will be in our defense establishment if, on January 1, the screen goes blank, the various screens that handle the computerized information, in our defense establishment.

Deputy Secretary Hamre said, ''No, Senator, if the screen goes blank, while that is a problem, it is not a catastrophe; because if the screen goes blank that tells you you have a problem in that particular piece of equipment. The thing we are worried about is if the screen does not go blank, the computer continues to operate, but another computer system to which it is connected starts feeding it inaccurate data.'' If the computer continues to function, make its calculations that ''zero zero'' really does mean 1900 and begins to give you bad information, that could contaminate your entire database. That, he says, is a bigger concern than if the screen goes blank. Frankly, that had not occurred to me. I was able to add, unhappily, a third category of concern—software, hardware in embedded chips, and now connections.

What are we looking at in our special committee with respect to the year 2000 problem? I have divided it up into seven areas and prioritized these areas. We will look at them in the following order to try to see what we can do to avert disaster in the next 599 days—all the days that are remaining to us. Obviously, we would like to pass a resolution saying that we have an extra 2 or 3 years. We do not, no matter what the Congress does, no matter what the President does, no matter what anybody else does, we have 599 days and counting down, inexorably from right now.

These are the areas of concern. No. 1, utilities. If the power grid goes down because of connections in the computers or because of embedded chips in certain power plants that shut those power plants down because of bad software somewhere, then it is all over. It doesn't matter if every computer in the country is Y2K compliant if you can't plug it into something. So we are focusing first and foremost on utilities and not just power. The water treatment system in every municipality in this country is computer driven and has the potential of being upset because of embedded chips and bad software. Utilities, therefore, are at the top of the list of the things we are addressing in our committee and are doing what we can to try to expose information about and get people worried and working on it.

Second is telecommunications. What happens if you pick up the phone on January 1, 2000, and you cannot get a dial tone? I don't think that is going to happen in the United States. But the evidence is fairly clear that it is going to happen in some countries. If you are running a multinational organization, be it the Defense Department or a corporation, and you pick up the phone and you cannot get a dial tone in various parts of the world, you are in serious trouble. So, behind utilities, we are looking next at telecommunications.

Third, transportation. Instantly people think of the FAA and the inability of the air traffic control system to control airplanes, and that is a concern, but what about shipping on the high seas—global positioning systems that all have chips in them that control the navigation of the oil tankers and the other freighters that are moving commerce all over the world? Here in the United States the railroads are heavily dependent on computer systems to route the traffic that produce the shipment of the heavy materials that keep our Nation going. Transportation is clearly No. 3 following utilities and telecommunications.

No. 4 is the area that got me interested in this problem in the first place, the financial services. What happens if the banks cannot clear checks? What happens if there can be no electronic transfers of funds? I am happy to report that I believe we are fairly well along the road toward getting this problem solved. We have had seven hearings in my subcommittee on the Banking Committee on this issue, but we cannot relax here, either. The financial services clearly come in as the No. 4 concern.

Then, No. 5, general government services, not only Federal but State and local, as well. What happens if in our large cities the county government cannot distribute welfare checks, the county government cannot handle food stamp distribution because of computerization of the way that situation is handled? What happens if HCFA, the Health Care Financing Administration, cannot handle reimbursement of Medicare or Medicaid funds? I have talked to hospitals and other health care providers that are dependent on HCFA reimbursements for their cash flow projections and they use the HCFA cash flow to do such things as purchase ordinary supplies for running the hospital. The whole health care system could grind to a halt if the government services in this area are not made Y2K compliant. The doctors who I have talked to tell me we have long since quit dealing with HCFA with paper. All of our interconnections with HCFA are electronic, and if that system goes down, the ripple effect will be tremendous.

Next, general manufacturing. Fortune magazine had an article on their

web site pointing out how much trouble General Motors is in. I don't mean to single out General Motors because I think every manufacturer has the same kind of problem. In today's world, where computers are available, we operate a just-in-time inventory system where you do not have huge stockpiles of spare parts out on the back lot anymore. With the computer, you have it worked out with your supplier that your spare parts arrive just in time for you to put them in your final manufacturing product. The just-in-time manufacturing system shuts down altogether and the manufacturing shuts down. General Motors has done a survey of every one of their manufacturing plants and they have found embedded chips in every one of their robotic systems. If they do not get this problem solved, they will not be able to produce an automobile after January 1, 2000.

And then, finally, No. 7, listed last because it will come last chronologically, but probably should be listed first in terms of its financial impact if we do not get the other six solved, is litigation. The lawsuits that will be filed will be enormous. Estimates before my subcommittee of the Banking Committee indicate the total litigation bill could run as high as $1 trillion, one-seventh the size of the total economy that will change hands as people sue each other over the problems created by Y2K. We have to make sure we solve the other six so that No. 7 doesn't hit us and destroy us.

The purpose of the special committee created by the Senate, I believe, is to examine all seven of these areas, act as a coordinating point for people involved with each of the areas, and then give reports, both to the Senate and to the people in the country as a whole, as to where we are, because it is not all doom and gloom. We do have areas where we are making progress.

I talked this morning with John Koskinen who heads this effort on behalf of President Clinton in the executive branch. He reported to me that contrary to some of the information we have seen in the press, the Social Security Administration will be all right, and will indeed be able to distribute Social Security checks in the year 2000. Now, if the banking system is all right, those checks can be received, and that is a demonstration of the problem of interconnectivity that we have. But that is a piece of good news. As we focus on the challenge of Y2K, we should not lose sight of the fact that there is good news and there is progress being made.

I close with this observation about the importance of this entire issue. One of the experts with whom I have been in contact since I assumed this new chairmanship said to me, ''The one thing we know for sure about this is that nobody has ever done it before. We have no historical precedent to guide us, to tell us how to handle this and what we can expect.'' And, of course, he was accurate. Of course, that is a true summation of where we are.

Yet when I made that comment to another friend of mine, he said something that I think summarizes exactly the challenge we are facing. He said, ''No, BOB, that is not true. We have a historic example. I said, ''What is it?'' He said, ''the Tower of Babel.'' He said, ''The people got together and decided they were going to build a tower to heaven, and God didn't like it, so he fixed it so they could not talk to each other and that ended it.'' He said, ''That is the paradigm of what we are dealing with here, Y2K.'' We are facing the possibility that after January 1 we cannot talk to each other because the world is all wired by computers, and if, indeed, that turns out to be the case, as was the case in Genesis, that will end it.

I am hoping that everyone recognizes this anniversary for what it is—a milepost on the road toward an inexorable challenge, and that we use the opportunity to take the remaining 599 days to see to it that when we get to New Year's Eve 1999, we can look back and say that we were facing something as serious as the Tower of Babel, but we have, as a Nation, and as a world, faced up to that, and now Y2K is going to be a bump in the road instead of a drive off the cliff.

Mr. DORGAN. Will the Senator from Utah yield for a brief question?

Mr. BENNETT. I am through with my presentation. Yes, I yield.

Mr. DORGAN. Mr. President, I feel very comforted knowing that the Senator from Utah is a cochair of the task force along with Senator DODD. I compliment the majority leader, Senator LOTT, and Senator DASCHLE for putting together a commission of the type they have established. I know, serving as ranking member of the legislative branch appropriations subcommittee of which Senator BENNETT is chairman, that he has, in every circumstance, at every hearing, gone through in some detail this Y2K problem. He knows it well and is very concerned about it.

As he properly indicates here in the Senate, this doesn't just deal with Federal agencies. In fact, that is only a very small fraction of what can be affected, unless this problem is dealt with as a nationwide priority. But I wanted to just say, as I have said before on the floor, I think Senator BENNETT is one of the finest people serving in this body. He has devoted a lot of attention to this issue. If this is not handled properly all across this country in both the public and private sector, this could have catastrophic consequences. If handled properly, we probably won't even know that this situation came and went. But I just want to tell you that I feel comforted by his leadership. I thank him very much for all of the attention and time he has devoted to this. He and Senator DODD will spend a substantial amount of time between now and the year 2000 on this very significant issue.

Mr. BENNETT. Mr. President, I thank my friend who has been very indulgent in my obsession with this issue in the subcommittee of the legislative branch of appropriations. In the spirit of what I just said about reports, I can report to the Senate that he and I heard testimony before our last appropriations subcommittee that the Senate will indeed be Y2K-compliant in the year 2000. The Sergeant at Arms, the Secretary of the Senate, and others, have focused on the priorities and are doing the things necessary to get us there. They are changing the computers in the Senate at the rate now of about a thousand a month. I was startled, as I think my friend, Senator DORGAN, may have been, to learn that there were close to 9,000 computers in the Senate; that is 90 for each Senator. I didn't think we needed that many. But there are. They are being made Y2K-compliant at the rate of about a thousand per month now. That will allow us the requisite amount of time to test the various fixes and see to it that we have it under control.

The one disquieting note that came out of the hearing that I share with my colleagues was that they said, ''We will have the mission-critical systems Y2K compliant by January of 2000.'' I said, ''What is your definition of a 'nonmission-critical system?'' They said, ''Well, the copier in your office may not work.'' There will be many constituents that will be delighted to know that we cannot make copies in January of 2000 until additional work gets done. But I thank my friend for his support in that area and for his very kind words. They are much appreciated.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

Mr. WELLSTONE. Mr. President, I also say to my colleague from Utah that I hope he continues with his ''obsession,'' as he described it, because we really need his leadership. I am grateful to him for the important work he is doing.

HUMAN RIGHTS ABUSES IN INDONESIA

Mr. WELLSTONE. Mr. President, I ask unanimous consent that a letter that I have sent to the President, which expresses my concern about the ongoing human rights abuses in Indonesia, be printed in the RECORD.

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

U.S. SENATE,
Washington, DC, May 11, 1998.

Hon. WILLIAM J. CLINTON,
President of the United States,
White House, Washington, DC.

DEAR MR. PRESIDENT: I write to express my deep concern about the ongoing human rights abuses in Indonesia. According to the State Department's Country Reports on

Human Rights Practices for 1997, the Indonesian Government met calls for political reforms with arrests and crackdowns on opposition parties. The Suharto regime maintains its power through policies of corruption, intimidation and government enforced repression of opposition groups. According to many credible human rights NGO reports, government critics are frequently arrested, tortured, raped, unlawfully killed or disappeared. The people of Indonesia are systematically denied democratic freedoms such as free and fair elections, freedom of the press and freedom of assembly. The lack of an independent judiciary and the lack of accountability for members of the armed forces play a major role in the continuation of serious human rights abuses.

Countless thousands have been subjected to arbitrary detention, with torture used to force detainees to produce names of opposition supporters. Mr. Pius Lustrilanang, a prominent opposition leader who was abducted earlier this year and detained for two months, has said that his captors beat him and administered electric shocks to his hands and feet in an attempt to discover details of his political activities. Lustrilanang spoke out about this experience at great personal risk, endangering not only his own safety, but that of his family as well. Student leaders of the People's Democratic Party, which was banned last September, have been arrested and sentenced to heavy terms of up to thirteen years. Their crime was organizing worker rallies, calling for a referendum on East Timor, and campaigning for a more open political system.

The United States has pursued a policy of engagement and friendship with Indonesia. I feel that we could do more to promote freedom and human rights. While I commend the Pentagon's recent decision to cancel a joint training exercise with the Indonesian military, I am deeply troubled by reports earlier this year that the United States may have been involved in the training of KOPASSUS Special Forces, Indonesia's notoriously brutal military unit, responsible for torture; night raids; and frequent disappearances. The United States also has supplied the Indonesian government with much of the military hardware which is used to foster a climate of fear and intimidation. The military plays a key role in preserving nondemocratic rule in Indonesia by deploying forces at all levels of society to crush peaceful dissent. Continued military support indicates U.S. approval of the Suharto regime's ongoing repression. As a worldwide symbol of freedom and democracy, our foreign policy should reflect our philosophy of political pluralism and government by the consent of the people.

In our economic support for the Indonesian government, through institutions such as the IMF, we should be using our leverage to press for political reforms, democratization and greater respect for human rights. Instead, we have virtually ignored the IMF's statute where it is written. ''The International Monetary Fund shall advance the cause of human rights, including by seeking to channel assistance toward countries other than those whose governments engage in gross violations of human rights of citizens.''

How can the United States justify bailing out a regime which grows more repressive by the day? We have made economic reforms a condition of our bailout and, at least so far, the Indonesian government has complied. However, the solution to the present economic crisis will require more than just financial transparency and the elimination of corruption. Lack of confidence in the political system is preventing new investments from the private sector. Markets respond with greater confidence to transparent, stable political environments. If we are truly concerned about the welfare of the Indonesian people, our continued funding should be contingent upon greater political openness and improvements in Indonesia's human rights record.

It is time to clearly signal to the Suharto regime that we support multi-party democracy, fair labor practices and a respect for human rights.

Sincerely,

PAUL WELLSTONE,
U.S. Senate.

Mr. WELLSTONE. Mr. President, the context of my speech on the floor of the Senate today is as follows. I have been, as the Senator from Minnesota, moved by the courage of students in Indonesia who are challenging a very repressive government. They do this at great risk. But they have shown the courage to speak out. President Suharto has left for a conference in Egypt and has made it crystal clear that students and others in Indonesia who dare to speak out will suffer the consequences.

The Suharto regime has been corrupt; it has been repressive. There are many reports by all of the reputable human rights organizations of people being arrested, tortured, raped, killed, or they have disappeared. It is in this environment that these young people in Indonesia now step forward with a tremendous amount of courage to speak for freedom and democracy in their country—Indonesia.

It is for this reason that as a U.S. Senator I come to the floor of the Senate to support them. It is for this reason I have sent this letter to the President. It is my hope that our Government, and all of us here in the Senate and in the House of Representatives, will make it clear to Mr. Suharto that we will not turn our gaze away from this repressive government, and that we will support these students and other citizens in Indonesia who speak out for the very things that make our country such a wonderful country—freedom, the right to be able to dissent, democracy.

Mr. Pius Lustrilanang, a prominent opposition leader, was abducted earlier this year and was detained for 2 months. He talks about the ways in which his captors beat him, administered electric shocks to his hands and feet, in an attempt to discover details of his political activity. His political activities were political activities we take for granted. He was writing, speaking, and doing things people should be able to do in their countries.

Student leaders of the People's Democratic Party, which was banned last September, have been arrested and sentenced to terms of up to 13 years. Students, young people—I say to pages who are here—your age, have been sentenced to 13 years in prison. What was their crime? They organized worker rallies, they called for a referendum on East Timor, and they were campaigning for a more open political system; in other words, for the right of people to be able to organize and to speak out. They now are faced with 13-year prison sentences.

I am concerned about what is now happening in Indonesia. I think our Government should be stronger in our support of the students and for the men and women who are speaking up for democracy and human rights in Indonesia. I commend the Pentagon's recent decision to cancel a joint training exercise with the Indonesian military. But I am deeply troubled by reports that the United States may have been involved in training with the Indonesian special forces, which has really become or is known as a very brutal military unit responsible for the torture, the midnight raids, and the frequent disappearance of citizens.

Mr. President, in addition in this letter that I have sent to President Clinton, I raise questions about the ways in which we bail out a regime which grows more repressive day by day. The infusion of capital by the IMF makes ''economic'' reform a condition for the bailout. I am not sure the IMF prescription has helped. I have said on the floor before that I am an internationalist. I think we ignore the world at our own peril. I think economic development support is critically important, as is humanitarian assistance. I sometimes think the IMF just pours fuel on the fire. In this particular case, the Government says it is raising fuel prices and taking other action like this in response to the IMF, which, of course, imposes additional pain and hardship on the poor, not on Suharto and his family.

But, in any case, it seems to me that if we are truly concerned about the welfare of the Indonesian people, our continuing funding should be contingent upon greater political openness and improvement in Indonesia's human rights record.

I don't know why the administration—President Clinton, the administration, our Government; really, the President speaks for our Government—I don't know why we are not more insistent on these governments who attack, torture, rape, and murder their citizens to abide by elementary standards of decency. In some kind of way, we should make some of our assistance contingent upon this. Surely we can at least speak up. Surely we can at least send a clear signal to the Suharto regime that we support democracy, that we support fair labor practices, that we support human rights, and that we will not stand by idly as this regime, the Suharto regime, continues to repress its citizens.

I come to the floor of the Senate today to speak for the students. I come to the floor of the Senate today to call on the President to speak for the students, courageous students, courageous young people, who I believe are capturing the imagination of Indonesia. They are lighting a candle with their courage. And I think the President and I think the U.S. Congress and the United States of America ought to be on their side.

I yield the floor.

Mr. DORGAN addressed the Chair.

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

Mr. DORGAN. Mr. President, I appreciate very much what the Senator from Minnesota had to say about the dissidents in Indonesia who, at their own peril and at the risk of their lives, are saying that they would like the right of self-determination and they would like freedom.

I was in China the day Wang Dan was sentenced to 11 years, I believe, in prison in China for criticizing his Government. And I saw Tiananmen Square, I say to the Senator, and I thought about that young man in the white shirt.

You remember the picture during the demonstration in Tiananmen Square when the tanks came to break up the demonstrators and this young man in a white shirt walked out and stood in front of this column of tanks in front of the first tank and forced the tank to change course. Then he moved over again in front of the tank.

I watched that. I thought, What on Earth must be inside of this young man? What kind of courage must it take to say, ''I am going to stand in front of a tank and risk my life for freedom''?

That is what the Senator from Minnesota is talking about with respect to the price that is paid by, in many cases, young people, and older people as well, who demonstrate to resist regimes that are oppressive and regimes that tend to try to squelch freedom of speech.

So I think this country should always be vigilant about the need to stand up for those around the world who do that at their own peril. They are asking for only what we understand in this country makes a good society. That is freedom—freedom of speech, freedom of movement.

Mr. WELLSTONE. Will the Senator yield for a comment?

Mr. DORGAN. Yes. Certainly.

Mr. WELLSTONE. Given what the Senator just said about Tiananmen Square, given the courage, again, of the students and others, that is why I wish the President would not go to Tiananmen Square. I think the President is making a terrible mistake. I didn't think the President should be there.

I will just make that comment to my colleague.

Mr. DORGAN. I would respond to the Senator by saying that I think, and have always thought, that our foreign policy must always have a human rights component to it. That is, it seems to me, what we owe to others around the world who struggle for freedom. And I appreciate the leadership of the Senator from Minnesota in this matter. He is once again today calling the Senate's attention to the importance of human rights.

CBO'S MONTHLY BUDGET REVIEW

Mr. DORGAN. Mr. President, I come to the floor to speak first about the Congressional Budget Office, which last week released its monthly budget projection. And I noticed that this projection, this estimate, received prominent coverage in the Washington Post and in other major daily newspapers around the country last week.

Actually, those papers may have mentioned this CBO report twice. First there were news stories saying says that the Congressional Budget Office now predicts that in this fiscal year —1998—we will have a budget surplus, they say, of anywhere from $43 billion to $63 billion. And in the next 24 and 48 hours, there was a spate of stories about a group of people telling us what they would like done with this alleged surplus.

Just as quick as you can light a candle around here, any discussion about a surplus brings people who want to spend it or give it back in tax breaks. And very quickly they clustered around that flame of the surplus and told us what they thought should be done about this.

I would like to simply say that the Congressional Budget Office does us no service when it gives us half the story. The Congressional Budget Office is a fine organization, and I mean no disrespect to the work of CBO or the people who do that work. And CBO is right to say that we have made substantial progress dealing with fiscal policy, and especially the Federal budget deficit in recent years. For a number of reasons, our deficits have shrunk dramatically. We have made remarkable progress.

But we are not there yet, and we will not have and do not have a surplus this year. We will continue to have a deficit this year, albeit a much smaller deficit—shrunk dramatically from its previous size. We are continuing to make great progress, and we will have a surplus soon, but we will not have a surplus this year. Let me explain why.

On April 2d of this year, this Senate passed a budget. I might add that this House still has not yet figured out what it wants to do on a budget. But in the Senate budget resolution, which billed itself as providing a budget surplus, on the fourth page, I believe, it admits that the actual deficit for fiscal year 1998 is going to be $95.6 billion.

That is very much at odds with the Congressional Budget Office, which says, ''Gee, things are rosy, and they are getting better. In fact, we will have a very significant surplus.'' And we have people slicing up this estimate of a surplus, figuring out how to give it back or what to do with it when, in fact, our budget resolution says we are going to have a deficit this year of $95.6 billion.

The key to the difference is in the Budget Act. The Budget Act says—this is law—''The concurrent resolution''—that is, the budget resolution—''shall not include the outlays and revenue totals'' of the Social Security system.

In other words, we have enshrined in the law the principle that the revenue of the Social Security system is dedicated tax revenue going into a trust fund to be used only for Social Security. And the revenue will be used for Social Security—because it will be needed in the long term. We all understand that. But this provision of law says that you can't use that revenue, you can't bring it out of that trust fund over here to the budget and say, ''By the way, we have all of this revenue we are using over here and the budget looks great.''

The law says you cannot do that. But the Congressional Budget Office report just ignores that law. They don't admit they re using the Social Security trust fund, but they, in fact, do it because that is the way they report. They say, well, we are going to have a $43 billion to $63 billion surplus in this year. How do they get that? By taking the Social Security trust fund money, adding it in as other revenues and saying, wow, we have a surplus. And so we have folks who are going to spend this alleged surplus, or create some new tax breaks to give back the supposed surplus before a surplus really exists.

Now, my own vote on the surplus, if one develops, is to say let us begin to reduce the Federal debt just a bit. If for 30 consecutive years you increase the Federal debt, it seems to me that when times are good and you begin to have some significant progress in fiscal policy and you begin to run a real surplus, the prudent thing would be to begin to reduce the Federal debt. So that would be my vote.

But we are not there yet. And I certainly do not support those who rush to this flame now and say, well, if CBO says there is a surplus, here is how we ought to deal with it: Let's provide some more tax breaks. Let's provide some more spending.

What about let's do some honest accounting? What about let's say that the CBO, when it reports, if it reports, it must follow budget law and report to the American people the facts, not just half the story?

So I come to the floor not to say there is not a parade going on—I guess there is a parade—but they are celebrating the wrong thing. Let us celebrate some success. We have had some major progress in fiscal policy. That progress is due in no small part, in my judgment, to the President's 1993 recommendations on a new fiscal policy. That plan required some effort to vote for it, but we did, and things are better. I would also say some restraint on spending by the Republicans and Democrats here in the Congress and also a growing economy have also helped our budget picture.

All of that contributes to a better story on fiscal policy. But we are not at a real surplus yet. And the Congressional Budget Office knows better, as do the newspapers that print this. In fact, I sat with a reporter last Thursday just briefly just to say hello. We

happened to see each other accidentally, and I said I read the story about the supposed budget surplus. I said, ''You know that's not in surplus.''

Well, that reporter understood about unified budget surpluses and on-budget deficits. But the fact is that CBO was reporting half the story last week, and the press dutifully reports it the way CBO says it, and CBO and everybody here knows they are wrong.

So I hope those who began last week to talk about what they want to do with all this alleged surplus, and who will likely waste this week trying to figure it out, I hope they will take a look at page 32–33 of The Economic and Budget Outlook produced by CBO in January. There—not in the monthly review, but in the annual January report—CBO has a line that describes what the real deficit is.

But that line is nowhere to be found on their monthly reports that they put on the Internet that resulted in last week's press statements. I hope CBO will change that, and put the information about the real state of our budget in its monthly reviews. And I hope the press picks up on that information and starts reporting it.

That information will add enormously to our budget discussions this summer. Then we might have an honest debate on whether there really is going to be a surplus at the end of this fiscal year, a surplus that can be used for purposes other than Social Security. I don t think there will be, and I look forward to making that point.

A RETURN-FREE TAX SYSTEM

Mr. President, one additional point. Last week we passed a major IRS reform bill. I voted for the bill because I think it has many provisions that ought to be very helpful for taxpayers dealing with the IRS. I have some continuing concerns about other parts of the bill. For example, I m concerned about the method used to pay for it. It was a sleight-of-hand kind of method and needs to be changed in conference.

Having said all that, in this Chamber last week I complimented Senators ROTH, MOYNIHAN and others for their leadership in writing some of these provisions. I want to point out a significant provision in the bill that requires the Treasury Department to study and develop procedures for implementing a return-free tax system beginning after the year 2007.

I have described to my colleagues a piece of legislation that I have worked on for many months that could provide a return-free tax system for up to 70 million Americans. While I am very encouraged by what Senator ROTH and Senator MOYNIHAN have done and fully support it—and think they have advanced this issue some, I have also visited with both, encouraging them to work with us in conference to move up this 2007 date.

The fact is we could much more quickly go to a return-free income tax filing system for anywhere from 50 to 70 million Americans. It is not a very complicated thing to do. It would be relatively easy to say to most Americans with incomes mostly from wages and salaries—and who have only a modest amount of non-wage income such as interests, dividends and capital gains—that they could decide never to file a federal income tax return again. These taxpayers would make a few simple adjustments on their W–4 form at work, and their employers would withhold their precise tax liability over the year using a table provided by the IRS. This withholding now becomes their exact tax liability for the year. No return needs to be filed. They don't have to go looking for records. They don't have to rush to the post office on the night of April 15 to get a postmark. It becomes the exact tax liability. And, in most cases, these taxpayers won't have to worry about an audit.

Two additional adjustments would be put on the W–4, which all employees now file with their employer, to capture the per child tax credit that Congress adopted last year and a tax deduction for home ownership. These adjustments are provided by the IRS on a table. These adjustments would be no more difficult for the employer.

But from that process, I believe that 50 to 70 million people could be relieved of the obligation to file an income tax return. Some 365 million hours of work now done by taxpayers to prepare returns and get them filed could be eliminated. How much paper for 70 million tax returns and supporting materials gone? And we could do this in the next year or so.

I rise today only to say I am very pleased that Senator ROTH and Senator MOYNIHAN included this return-free approach in the Senate s IRS restructuring bill. I would just commend to them that a piece of legislation I have written would advance that very quickly. We could do it in a year or so. More than thirty countries around the world use some form of return-free filing system—no paper. Employees do not have to file a return. Some of the countries, incidentally, have a reconciliation by the taxing agency, while others mirror my approach where you simply retool the W–4 form to make it slightly more accurate. It isn't much longer and is no more difficulty for the employer, but my plan relieves probably 50 to 70 million people from having to file an income tax return.

I think if we did that, it would be a giant step towards real tax simplification for millions and millions of Americans. There are others in Congress who say, well, what we want to do is get rid of the entire tax system, which is fine. If one believes we should do that, then with what do you replace it? They say, well, a flat tax so that Donald Trump pays the same tax rate as the barber in my hometown.

I don't happen to share the belief that would be a fair system. I think maybe Donald—maybe I shouldn't use his name, but he seems to have his name on everything. He probably would not mind my using it. I think Donald might want to pay a slightly higher rate than the barber in my hometown; or others say, well, let's have a national sales tax.

A study by a tax expert at the Brookings Institution says if you have a national sales tax, the rates would probably be over 30 percent, and then add the State and local taxes, and that would be on almost everything. So say you would like to buy a house and here is the price we have agreed on, and then have someone tell you, oh, yes, you have a 37-percent sales tax applied to that price, 30 percent Federal, 7 percent State and local.

Others say a value-added tax. There are all kinds of ideas for how to change the tax system. I would say it is unlikely that we are going to see the current income tax system completely obliterated. I expect that in some form it will be around for some while, and if it is, I would very much like to see it radically simplified for most of the American people. It is hard to have a one-size-fits-all. I understand that some people have very complicated income situations; they have a lot of income from different areas and a lot of expenses from other areas. I think in some cases those are very complicated; it is very hard to simplify that. But for the vast majority of the American people, working families whose main income comes from a wage or salary and who have very little other income, this income tax system need not be a headache. It could be radically simplified. It could be done very quickly.

We could move to a return-free system, as I indicated, for up to 70 million Americans and we could do it in a year. I very much hope—with the cooperation of my friend, the Senator from Delaware, Senator ROTH, and Senator MOYNIHAN—we can make some progress on that.

As I close, let me also say, as I did last week, they have provided significant leadership, I think, to pass the legislation we did through the Senate last week. I once again commend both of them for that leadership.

Mr. President, I yield the floor and I make a point of order a quorum is not present.

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

The assistant legislative clerk proceeded to call the roll.

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

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

UNANIMOUS-CONSENT REQUEST—S. 1618, S. 1723, S. 1260, and S. 2037

Mr. McCAIN. Madam President, I intend to, on behalf of the majority leader, propound a unanimous consent request. I understand that at this time the Democratic leader may have to oppose this unanimous consent request.

But I also believe that given the next couple of hours perhaps we can get some agreement. Both Senator LOTT and Senator DASCHLE, I understand, are in discussion. But I think we ought to move forward as we told the Senate we would and at least start discussions of these bills.

So, therefore, understanding that we have some optimism about a unanimous consent agreement within the next couple of hours, I will propound the unanimous consent request. I understand Senator DORGAN, the Senator from North Dakota, will object.

Madam President, on behalf of the leader, I ask unanimous consent that the majority leader, after consultation with the Democratic leader, may proceed to the consideration of S. 1618.

I further ask unanimous consent that there be a total of 2 hours of debate equally divided in the usual form. I further ask that the only amendment in order other than the committee amendments be a managers' amendment.

I finally ask unanimous consent that following the disposition of the above amendments the bill be read a third time and the Senate then proceed to a vote on passage of S. 1618 with no intervening action or debate.

Madam President, that is the antislamming bill, on which, as we know, there have been numerous hearings and discussion and debate not only within the Senate but in the entire country.

Additionally, I ask unanimous consent that the majority leader, after consultation with the Democratic leader, may proceed to the consideration of S. 1723. I further ask unanimous consent that there be a total of 2 hours of debate equally divided in the usual form. I further ask that no amendment be in order other than the committee-reported substitute amendment.

I finally ask unanimous consent that following disposition of the above amendment, the bill be read a third time and the Senate then proceed to a vote on passage of S. 1723 with no intervening action or debate. That, Madam President, is the skilled workers immigration bill that is sponsored by Senator ABRAHAM.

I also ask unanimous consent that the majority leader, after consultation with the Democratic leader, may proceed to the consideration of S. 1260. I further ask unanimous consent that there be a total of 2 hours of debate equally divided in the usual form. I further ask that no amendments be in order other than the committee-reported substitute amendment.

I finally ask unanimous consent that following the disposition of the above amendment, the bill be read a third time and the Senate then proceed to a vote on passage of S. 1260 with no intervening action or debate. That bill is the Uniform Standards Act.

Finally, I ask unanimous consent that the majority leader, after consultation with the Democratic leader, may proceed to the consideration of S. 2037. I further ask consent there be a total of 30 minutes of debate equally divided in the usual form, with an additional 15 minutes under the control of Senator ASHCROFT. I further ask that no amendment be in order to the bill.

I finally ask unanimous consent that following the expiration or yielding back of the time, the bill be read a third time and the Senate proceed to a vote on the passage of S. 2037 with no intervening action or debate.

Madam President, that is the so-called WIPO copyright legislation from Senator HATCH, reported out of the Judiciary Committee.

I yield the floor.

The PRESIDING OFFICER. Is there objection?

Mr. DORGAN. Reserving the right to object.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. And I shall object, but under my reservation let me point out, as I think the Senator from Arizona pointed out, no such agreement has been reached between the majority and minority leaders on these pieces of legislation dealing with the procedures under which they will be considered. All of the unanimous consent requests provide a limited time and limited amendments. I think in most cases only the managers' amendment would be allowed, which would then preclude amendments from other Members of the Senate. It is my hope that some kind of an agreement will be reached by the majority and minority leaders, but until such an agreement is reached, I am constrained to object, so I do object.

The PRESIDING OFFICER. Objection is heard.

Mr. McCAIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. Madam President, I remain hopeful that within the next couple of hours we can reach this unanimous consent agreement. There has been a great deal of discussion about taking up these pieces of legislation—in fact, several others in addition. But I believe that the Senator from North Dakota shares my optimism that perhaps we can, with some modifications, achieve a unanimous consent agreement.

I yield to the Senator.

Mr. DORGAN. Madam President, if the Senator will yield, I do not think the question here is about the particular issues the Senator proposes to bring to the floor. In fact, most of them will have rather wide support. The question deals with the conditions under which they will be brought to the floor and on the restriction on amendments. As the Senator knows, that is a product of having to consult with other members of the caucus and the consultation between the majority leader and the minority leader. I know they are visiting, and I would expect and hope that that is resolved. But until it is resolved we must object, and I appreciate very much the understanding of the Senator from Arizona.

THE EFFECT OF INFORMATION TECHNOLOGY ON THE ECONOMY

Mr. MCCAIN. Madam President, I want to quote from the Department of Commerce:

During the past few years, the U.S. economy has performed beyond most expectations. A shrinking budget deficit, low interest rates, a stable macroeconomic environment, expanding international trade with fewer barriers, and effective private sector management are all credited with playing a role in this healthy economic performance. Many observers believe that advances in information technology driven by the growth of the Internet have also contributed to creating this healthier than expected economy.

In recent testimony to Congress, Federal Reserve Board Chairman Alan Greenspan noted:

''Our Nation has been experiencing a higher growth rate of productivity—output per hour worked—in recent years. The dramatic improvements in computing power and communication and information technology appear to have been a major force behind this beneficial trend.''

Madam President, we all pay close attention to Federal Reserve Board Chairman Alan Greenspan, and usually, especially in this case, we agree.

Some have even suggested that these advances will create a long boom which will take the economy to new heights over the next quarter century.

While the full impact of information technology cannot yet be precisely evaluated, its impact is significant. Information technology industries have been growing at more than double the rate of the overall economy, a trend that is likely to continue. Investments in information technology now represent over 45 percent of all business equipment investment. Declining prices for information technology products have lowered overall inflation.

Because the Internet is new and its uses are developing very rapidly, reliable economy-wide statistics are hard to find and further research is needed. Therefore, we have to use industry and company examples to illustrate the rapid pace at which Internet commerce is being deployed and benefits are being realized. Examples showing the growth of the Internet in electronic commerce this past year are numerous.

Fewer than 40 million people around the world were connected to the Internet during 1996. By the end of 1997, more than 100 million people were using the Internet. As of December 1996, about 627,000 Internet domain names had been registered. By the end of 1997, the number of domain names more than doubled to reach 1.5 million.

Traffic on the Internet has been doubling every 100 days.

Madam President, I feel compelled to repeat that.

Traffic on the Internet has been doubling every 100 days.

Cisco Systems closed 1996 having booked just over $100 million in sales on the Internet. By the end of 1997, its Internet sales were running at a $3.2 billion annual rate.

In 1996, Amazon.com, the first Internet bookstore, recorded sales of less than $16 million. In 1997, it sold $148 million worth of books to Internet customers.

One of the Nation's largest book retailers, Barnes & Noble, launched its own on-line

bookstore in 1997 to compete with Amazon for this rapidly growing on-line market.

In January 1997, Dell Computers was selling less than $1 million of computers per day on the Internet. The company reported reaching daily sales of $6 million several times during the December 1997 holiday period.

Auto-by-Tel, a web-based automotive marketplace, processed a total of 345,000 purchase requests for autos through its web site in 1996 for $1.8 billion in auto sales. As of the end of November 1997, the web site was generating $500 million a month in auto sales, which is $6 billion annualized, and processed over 100,000 purchase requests each month.

Madam President, that is just a few examples of the way this industry is exploding into American life and through all parts of it. How it is changing America is dramatic and, frankly, there are very few of us who know exactly what the end results are going to be. And there are differing opinions among different experts as to what these impacts are going to be, but there is one area of agreement, and that is it has changed American commerce and perhaps the world's commerce and flow of information in a way that will fundamentally change a lot of the precepts under which we have operated since the Industrial Revolution.

If the trend suggested by this preliminary analysis continues, it, and electronic commerce, can be expected to drive economic growth for many years to come. To realize this potential, however, the private sector and governments must work together to create a predictable, market-driven legal framework to facilitate electronic commerce, to create nonbureaucratic means that ensure that the Internet is a safe environment, and to create human resource policies that endow students and workers with the skills necessary for jobs in the new digital economy.

Thus, in real terms, the expansion of the IT sector accounts for an even larger share of overall economic growth in the mid- to late 1990s. In recent years, IT industries have been responsible for more than one-quarter of real economic growth.

Despite these impressive trends, the digital revolution is just beginning. Growth could accelerate in the coming years not only in the IT sector itself, but across all sectors of the economy as the number of people connected to the Internet multiplies and as its commercial use grows. The growth will be driven by four types of economic activity:

Building out the Internet: In 1994, three million people, most of them in the United States, used the Internet. In 1998, 100 million people around the world use the Internet. Some experts believe that one billion people may be connected to the Internet by 2005. This expansion is driving dramatic increases in computer, software, services and communications investments.

Electronic commerce among businesses: Businesses began using the Internet for commercial transactions with their business partners about two years ago. Early users already report significant productivity improvements from using electronic networks to create, buy, distribute, sell, and service products and services. By 2002, the Internet may be used for more than $300 billion worth of commerce between businesses.

Digital delivery of goods and services: Software programs, newspapers, and music CDs no longer need to be packaged and delivered to stores, homes or news kiosks. They can be delivered electronically over the Internet. Airline tickets and securities transactions over the Internet already occur in large numbers. Other industries such as consulting services, entertainment, banking and insurance, education and health care face some hurdles but are also beginning to use the Internet to change the way they do business. Over time, the sale and transmission of goods and services electronically is likely to be the largest and most visible driver of the new digital economy.

Retail sale of tangible goods: The Internet can also be used to order tangible goods and services that are produced, stored and physically delivered. Though Internet sales are less than 1 percent of total retail sales today, sales of certain products such as computers, software, cars, books and flowers are growing rapidly.

Where advances in telecommunications and computing largely occurred side-by-side in the past, today, they converge in the Internet. Soon, virtually all information technology investment will be part of interlinked communications system, whether internal to a business, between businesses, between individuals and businesses, or individual to individual.

However measured, the Internet is expanding at a very rapid pace.

For instance, the number of Americans using the Internet has grown from fewer than 5 million in 1993 to as many as 62 million by 1997. . . .

The number of names registered in the domain name system grew from 26,000 in July 1993 to 1.3 million in four years . . .

In January 1995, just over 27,000 top-level commercial (com) domain names were assigned. Most businesses used them for little more than posting product and company descriptions, store locations, annual reports and information about how to contact corporate headquarters. Two and a half years later, commercial domain names number 764,000. Static brochures and bulletin boards are giving way to full-fledged businesses offering financial services, news and information, manufactured goods, and travel and entertainment to individuals and businesses.

To meet this increased demand, consumer electronics companies, media giants, phone companies, computer companies, software firms, satellite builders, cell phone businesses, Internet service providers, televisions cable companies and, in a few cases, electric utilities, are aggressively investing to build out the Internet.

Madam President, I made the opening statement as we take up, frankly, what are some very modest bills, pieces of legislation which have to do with the telecommunications industry. I hope this is a beginning. My fundamental premise is, we should get out of the way and stay out of the way of this burgeoning, incredible revolution we are seeing take place throughout the world.

But there are times where we have to act. I would argue that we have to act in a deregulatory manner and a procompetitive manner. One of the issues that the Senator from North Dakota and I have discussed on many occasions and will continue to discuss—and hopefully we can reach some agreement—is the issue of Internet taxation. Other issues that we are going to take up, which are visible and very important to many Americans, like this business of slamming, will have to be addressed.

Madam President, the Presiding Officer now in the chair, you have been very significantly involved in this issue. Your findings and recommendations have been made part of this bill. I understand you may have additional changes that you wish to be made. But we are in agreement this abuse has to stop, and it has to stop immediately.

I hope the Congress, as representatives of the people, will understand that this industry we are talking about today, the telecommunications industry, opens broad new vistas for our children and grandchildren. It also opens vistas for people and countries who have never had access to information and knowledge before. It opens up new vistas and ways for people in rural parts of America, and in low-income parts of urban America, to receive information and knowledge. It seems to me that it has to be one of the most important issues that we address in a comprehensive, cooperative, bipartisan fashion.

I see no reason for partisanship on an issue which really is so important to the future of America. I know we are in agreement that we want to see it grow and expand. And all of us are astonished, literally astonished, at the amount of growth that we have seen. It is not just us neophytes. Literally every expert who has studied the telecommunications industry has underestimated, sometimes by a factor of 10, the growth that has taken place in the past few years. So, therefore, it is very likely they are underestimating the dramatic changes and growth that we will see in the future.

There are some who argue that the information technology we are exporting around the world makes our trade deficit far less meaningful than it has been in the past. There are some who argue that we, as a body, and as a nation, are going to have to address this issue of the proliferation of pornography that now penetrates and permeates every part of the Internet, to the point where young children today, when they go on the Internet and dial an innocuous word like ''White House'' or ''teen'' or ''nurse,'' are treated, as the search engine comes upon them, to enticements to people to take advantage of the pornography which is available. I am not advocating censorship here. I don't believe the majority of this body is. But it is a problem. It is an issue that we need to address as well. But it is one of many.

I could spend many hours on the floor here, discussing the challenges of this telecommunications transformation that we are observing. I hope what we do in the next couple of days will do several things. One is to address these relatively modest issues, although slamming is certainly a very important one, but, at the same time, make a commitment that we, as a body, understand, appreciate, the importance of this industry to the future of America, and that we will address these issues in an orderly and bipartisan fashion.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Madam President, I certainly share the sentiment offered by the Senator from Arizona about the excitement of the Internet, the fascinating, remarkable growth of the telecommunications industry and all that it means for the future of our country and the world. Things are moving so quickly, and changing so rapidly, it is just breathtaking and very hard to keep up with. From a public policy standpoint, regarding the kind of legislation that will be brought to the floor of the Senate at some point—for example, such as the Internet Tax Freedom Act—it is very important that we understand exactly what we are doing and what the consequences of what we are doing might be now and in the future.

I would say the increased commerce over the Internet, that is increasing at a very dramatic pace, illustrates that there is nothing at the moment, nothing anywhere that I am aware of at the moment, that impedes the transaction of commerce on the Internet.

The very growth of that commerce suggests there are no impediments. One way to do commerce in this country is to set up a web page and advertise and sell books, automobiles, travel services, or whatever it is you want to advertise over the Internet. That is one way to do business.

Another way to do business is to rent a storefront someplace to get some inventory moved in, hire some people, open the door and put ''Open for Business'' and invite customers to come in and look at your merchandise and sell merchandise that way.

Still another way is to have your merchandise in a warehouse somewhere and send a catalog through the mail and do business through mail-order catalogs.

If the Congress decides to change the state and local Tax Codes related to all of those different ways of doing business, it is very important that we not create a circumstance where one way of doing business has preference over another way. I certainly hope that whatever we do to those involved in Internet transactions, we will say, ''To whatever extent you are advantaged by this new legislation, the Main Street businesses will be similarly advantaged.''

The Internet Tax Freedom Act is very controversial in my judgment. The concerns Governors and many others have about what impact it might or might not have on the State and local revenue bases are serious. The Internet Tax Freedom Act is a very significant piece of legislation and it is very controversial.

Another issue that the Senator from Arizona mentioned is the slamming issue. For those who are not familiar with slamming, it refers to the unauthorized practice of a company changing a consumer's telephone exchange service or telephone toll service. In other words, a company says if you are using one long distance service, we are going to change that and your new long distance carrier is XYZ, and all of a sudden you begin getting bills from XYZ when, in fact, you never authorized changing your long-distance carrier. That is called slamming, and it is a growing, continual problem in this country.

The FCC had about 20,000 complaints of slamming in the last year. We understand the ''king of slammers'' identified by Chairman Kennard of the FCC is a man named Daniel Fletcher. GAO investigators allege that Fletcher switched at least a half million customers' long-distance service without their knowledge or consent.

I noticed a story in the paper this past weekend in North Dakota that one of the victims of slamming was the attorney general of North Dakota, Heidi Heitkamp. ''Heitkamp Victim of Phone Billing Scam'' reads one headline.

This company that was slamming would have been well-advised to stay away from the attorney general of that State.

I am confident that the North Dakota attorney general is on the case. She is aggressive and tough and will get to the bottom of who is involved in this slamming.

To all the slammers out there I will say, ''Senator MCCAIN, I and others will bring a piece of legislation to the floor that will attempt to shut the door on slamming. But, slammers might want to stay away from attorneys general and law enforcement officers, because it is against the law. We hope, prior to the legislation being passed, we can count on State authorities and the FCC to take appropriate action to levy fines and other penalties against those who are involved in this kind of activity.

There are a number of other issues we will discuss when we talk about slamming. I expect the U.S. Senate will pass this legislation by a wide, wide majority. It is a good piece of legislation. I compliment Senator MCCAIN for bringing it to the floor. Only because the majority leader and minority leader have not talked and reached agreement on the question of procedure we are not able to proceed at this point. But I expect in the coming hours, when Senator LOTT and Senator DASCHLE will find a mechanism by which we are able to consider this legislation.

I just received a note from someone else, from another Senator in the Chamber that says, ''I've been slammed twice.'' I don't know if that Senator wishes to be identified. In any event, it is not something that only relates to attorneys general. I have not been slammed once, and I am not looking forward to the first slam. Hopefully, before that happens, this kind of legislation can pass. Those who have been victims will be victims no more, and those who have been involved in slamming will begin to pay a significant price for criminal behavior.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

UNANIMOUS-CONSENT REQUEST—S. 1150

Mr. LUGAR. Madam President, on behalf of the majority leader, after consultation with the minority leader, I ask unanimous consent that the Chair lay before the Senate the conference report accompanying S. 1150, the agriculture research bill.

The PRESIDING OFFICER. Is there objection?

Mr. GRAMM. Madam President, reserving the right to object.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Madam President, as the distinguished chairman of the Ag Committee knows, we agreed previously not to have a recorded vote today. It is my intention, when the conference report is before the Senate, to have at least one motion to recommit with instructions. So rather than have that debate today when no one is here to listen to it, when we know it will have to be debated on another day if we are going to have a recorded vote, I suggest that we simply begin the debate on this issue today and that we bring it up tomorrow, or some date in the future when we can have a recorded vote following a debate on the motion.

I ask that we simply begin the debate today and that we agree on some future date to readdress this question. On that basis, I object.

The PRESIDING OFFICER. Objection is heard. The Senator from Indiana.

AGRICULTURAL RESEARCH, EXTENSION, AND EDUCATION REFORM ACT OF 1998—CONFERENCE REPORT

MOTION TO PROCEED

Mr. LUGAR. Madam President, I now move to proceed to the conference report accompanying S. 1150.

Mr. GRAMM. Madam President, I ask that the bill be read.

The PRESIDING OFFICER. The clerk will read.

The assistant legislative clerk proceeded to read the conference report.

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

The PRESIDING OFFICER. It is not in order to suggest the absence of a quorum. The clerk will continue to read.

The assistant legislative clerk continued with the reading of the conference report.

Mr. LUGAR. Madam President, I ask unanimous consent that the reading of the conference report be dispensed with.

The PRESIDING OFFICER. Is there objection?

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

The PRESIDING OFFICER. It is not in order to suggest the absence of a quorum. Is there objection?

Mr. GRAMM. Madam President, I object.

The PRESIDING OFFICER. Objection is heard. The clerk will continue reading.

The assistant legislative clerk continued with the reading of the conference report.

Mr. HARKIN. Madam President, I ask unanimous consent that further reading of the conference report be dispensed with.

The PRESIDING OFFICER. Is there objection?

Mr. GRAMM. I object.

The PRESIDING OFFICER. Objection is heard. The clerk will continue reading.

The legislative clerk continued with the reading of the conference report.

Mr. GRAMM. Madam President, I ask unanimous consent that further reading of the conference report be dispensed with.

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

(The text of the conference reports is printed on pages H2171-H2205 of the April 22, 1998 edition of the RECORD.)

UNANIMOUS CONSENT AGREEMENT

Mr. LUGAR. Madam President, I thank the distinguished Senator from Texas, and I ask unanimous consent now on behalf of the majority leader, after consultation with the minority, that at 11 a.m. on Tuesday, tomorrow, the Senate proceed to the consideration of the conference report to accompany S. 1150, the agricultural research bill. I further ask unanimous consent that the time until 12:10 p.m. be divided as follows: Senator LUGAR, 30 minutes; Senator GRAMM of Texas, 10 minutes; Senator ROBERTS, 10 minutes; Senator HARKIN, 10 minutes; Senator COCHRAN, 5 minutes. I further ask unanimous consent that, at 2:15 p.m. on Tuesday, Senator GRAMM be recognized in order to move to recommit the conference report. I further ask unanimous consent that no amendments be in order to the motion and debate on the motion be limited to 1 hour equally divided in the usual form. I ask unanimous consent that following the debate, the Senate proceed to a vote on or in relation to the motion.

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

Mr. LUGAR. I thank the Chair.

Madam President, I would point out that, in consultation with Senator GRAMM and others, we have agreed that general debate at 11 tomorrow is appropriate. Senators will be present. They will be able to hear the debate. And our respective conference lunches will hear more debate on this issue, and hopefully, following our hour debate, at 2:15 the issue will be clearer for all of us and perhaps we will be able to proceed tomorrow to final action on this report.

I thank the Chair. I thank all Senators.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

Mr. HARKIN. Madam President, I just want to concur in the unanimous consent agreement and commend my chairman, Senator LUGAR, for his leadership on this bill. This is an extremely important bill. We should have gotten it through a long time ago. There are farmers out in my area of the country, all up and down the Midwest—I am sure in the Senator's home State also—who have contracts up this summer on crop insurance, and if we don't hurry up and get this through, we are going to be in big trouble; we will not have the money for the crop insurance program to allow these farmers to renew their contracts for next year. So it is imperative that we do get it through.

If this bill were to be recommitted—and I will have more to say about this tomorrow, but I wanted to talk about this a little here—I think that would be the end of the bill. We tried for a long time in conference to get to this point. It is a delicate balance of many interests, but it is a good balance. It is one that balances all of the interests in all sections of the country. It advances the cause of agricultural research; it does the job of providing the necessary funds to keep the crop insurance program going; and it also fills in the gap on the food stamps for legal immigrants, elderly, disabled, and children, and also refugees and asylees who are in this country.

Madam President, as I said, the conference report of the Agricultural Research Extension and Education Reform Act of 1998 represents a strong statement by the Senate on the importance of research to the future of American agriculture and fulfills important promises to restore food stamp benefits to legal immigrants, refugees, and asylees, and to fully fund the crop insurance program.

Again, I am pleased that both sides of the aisle in both the House and the Senate have come together to invest in the future of agriculture in rural communities as well as nutrition programs for needy individuals who were unfairly cut off from food stamp benefits in the welfare reform bill that we passed in 1996.

I again commend Chairman LUGAR for his diligent and tireless efforts to, first of all, get the changes made in the research program that we so vitally need in this country in our ag research program, and his efforts to get the bill through, and through conference, and to the point where we are now. Chairman LUGAR has done a great job in guiding and directing and leading us in a bipartisan fashion to get the bill through.

We have had great cooperation. I am thankful to him for the great cooperation he has given me as the ranking member, and to his staff for the many kindnesses that his staff has afforded our staff. I also commend our colleagues in the House for assisting and aiding us getting this bill through. I am especially pleased that the agriculture, nutrition and immigrant communities are united in support of this conference report.

Reinforcing the strong support for this bill, on April 24, 71 Senators sent a letter to the leadership asking that we bring up this bill and pass it. Madam President, 71 Senators signed a letter to the majority leader of the Senate asking we bring up this bill and pass it. So I hope we can move quickly on this vital piece of legislation.

Let me just mention the three components of the bill. First, the issue of food stamps. This bill will spend about $816 million over the next 5 years to restore food stamp eligibility for nearly 250,000 individuals. Again, with this action we have reaffirmed our compassion and our priority for taking care of the most vulnerable in our society. The bill takes a major step towards fulfilling a promise that was made by our President and many of us here in the Congress on both sides of the aisle to correct inequities made in the 1996 Welfare Reform Act.

What we have done in this bill, Madam President, mirrors the changes made in last year's balanced budget agreement. That bill eliminated eligibility for several classes of legal immigrants for food stamps. Refugees, asylees, elderly and disabled legal immigrants and their children, Hmong refugees and certain native Americans who were unfairly denied food stamp benefits will once again be eligible for this important food assistance under this bill before us.

I might also add, parenthetically, that it is not just compassion, but it is dollar wise. We know in the past when these people are cut off from the needed food stamps, the elderly and the disabled, their kids are cut off, and when they lack nutrition, where do they end up? They are at the emergency room door of our hospitals, and we pay for that. Better we put some money into adequate food and nutrition to keep them healthy in the first place rather than pay for the needed medical services they would require later on.

Under research and rural development, the research provisions of this bill will ensure that our farmers and ranchers have the word's best science and technology at their disposal to produce food and fiber, to protect the environment, and to create rural economic opportunities. In this regard, we are devoting $600 million in new funds over the next 5 years to advance the science and technology underlying our agricultural system. This new initiative will invest in priority research

topics like food safety, biotechnology and environmental quality. There are new incentives for the development of new crops and new uses for existing crops. Finally, modest reforms in the land grant system will help it to remain a leader in research, education and outreach in the coming century.

We have also extended the Fund for Rural America through the year 2002, and we have reaffirmed our commitment to the pressing development needs of our rural communities. This fund was a key component of the 1996 farm bill, created to provide funds to help farmers in rural communities to transition to the new farm policy environment. Although I wish we could have found more funds for this purpose, I am pleased that over the next 5 years, an additional $100 million was added to the Fund for Rural America.

Finally, the third component of the bill is crop insurance. Since the last Crop Insurance Reform Act in 1994, participation in crop insurance has more than doubled in our country. Without agreement to this conference report, millions of farmers face the possibility of canceled insurance policies in just the next few months. That would leave them without risk protection for the 1999 crop season.

The action we have taken in this bill will secure funding for the Crop Insurance Program for the next 5 years. It will set the stage also for a vigorous debate about how to further restructure and reform the program in the coming years. I look forward to working with Chairman LUGAR in moving that discussion and that debate forward. The more tools and options we can give our farmers to manage the risks of production, the more resilient our rural communities will be in the face of market and weather fluctuations.

So this conference report accomplishes a great deal in a single package. We have let the world know that we care about the vulnerable in our society, those who are refugees and asylees who are escaping persecution—many times religious persecution in other countries. A lot of times when they come here, they don't have a million dollars in their pockets. Usually those aren't the kind of people who are persecuted. But those who are persecuted for religious beliefs or otherwise, a lot of times who flee their countries, who come here, they don't have a lot of money. They need an education. And, yes, we provide them food assistance. I think that is a part of what we ought to be about in this country. What this bill does is it restores it. We say to those people, if you are escaping intolerable situations in other parts of the world, our doors will be open to refugees and asylees, and we are going to assure that you have adequate nutrition to get you to the point where you can apply for citizenship.

Second, we have let the world know we are serious about equipping American agriculture for future food production challenges. We have taken the steps to assure the taxpayers that research dollars are expended in the most efficient manner. Finally, we ensure that our farmers will have good risk management tools available to them.

We have done all of this in a very strong, bipartisan manner. We can all take pride in the fact that today we have made a significant investment in a better future, not only for our farmers and ranchers, but also in a better future for an increasingly crowded and hungry world. So, Madam President, I urge my colleagues to agree to this conference report without delay.

Madam President, I will have more to say tomorrow about the pending amendment by the Senator from Texas, who as I understand, would exempt from the coverage of the Food Stamp Program, refugees and asylees who come to this country after, I think it is August of 1996, if I am not mistaken. I think that would just be the wrong step to take, first of all, for a compassionate and caring society, and for those of us who care about asylees and refugees. I think that covers both political parties, and certainly covers all of the religious institutions in America. I know I received letters from—I know Cardinal O'Connor in New York, from many members of the Jewish faith, other Christian faiths who have written to us asking us to please make this fix in food stamps to cover these very vulnerable people who are in our society.

And, second, I would just say again, if the amendment contemplated by the Senator from Texas were to be successful, that is referring this back to conference committee, that would be the end of this bill. Make no mistake about it. The amendment that I have seen written and proposed—he has not offered it yet, but as proposed by the Senator from Texas—would kill this bill. It would kill the research provisions of this bill and it could kill the crop insurance provisions of this bill along with the food stamp provisions.

Why do I say that? For two reasons. First, because we worked long and hard to get to this point in a bipartisan fashion. There were long, serious discussions both in the Senate and in the House and in conference, and we reached our agreements and we have strong bipartisan support for this. If this were to go back to the conference committee—one, either the conference committee would not or could not make these changes, and thus the bill would die in conference; or if the conference committee voted to make these changes and it went back to the House, there is no way that it would succeed in the House. Maybe it wouldn't even succeed in the Senate. I don't know.

But, Madam President, I have been on the Agriculture Committee now, both in the House and the Senate, for 23 years. I have been through a lot of farm bills and a lot of farm bill amendments and modifications. And we have for a long time had a good working relationship with our urban friends in keeping a good, strong coalition together to both answer the needs of those of us who represent rural America and to answer the needs of those who represent urban America.

I believe it has been a good working relationship. When we look at it, hunger in America is almost nonexistent. Yes, we have some gaps out there. Yes, we have some nutritional gaps out there, but compared to any other country, we are light-years ahead.

We provide the needed nutrition from the School Breakfast Program to the School Lunch Program to afternoon programs to the Food Stamp Program to Women, Infants and Children nutrition program, and then we provide support for our food banks and our soup kitchens and feeding facilities around the country along with the private sector.

We have taken care to address the nutritional needs of those who live in our urban areas, and we have taken care of the needs of those who live in our rural areas. As I said, part of this bill is funds for rural America that helps continue to invest in rural economic development so our people who live in small towns and communities will have the kind of jobs and support they need. Our farmers will have the risk management tools and crop insurance they will need to provide the food and fiber for America.

It has been a good coalition, a healthy coalition. The amendment contemplated by the Senator from Texas will tear that coalition apart. That is why I say, if it were to succeed—I don't think it will, I hope it won't, I don't think it will—if it were, that would be the end of this bill.

I am hopeful, and I know the Senator from Texas is sincere in what he is trying to do—I happen to disagree with him, deeply disagree—that we ought to carve out asylees and refugees from the food stamp provisions of this bill.

Be that as it may, I still suggest that this amendment really is a basic amendment that will kill this bill. We can't afford to have that happen. I hope all my colleagues will support the chairman and support others on both sides of the aisle who signed the letter to bring up the bill and to pass it as it is. If we do that, I think we can have a swift conclusion of this bill tomorrow, get it down to the President for his signature, our farmers can go ahead and get their crop insurance contracts renewed, we can begin the process of changing our research system, and we can meet the nutritional needs of the most vulnerable in our society. I yield the floor.

The PRESIDING OFFICER (Mr. GRAMS). The Senator from Mississippi is recognized.

Mr. COCHRAN. Mr. President, I am pleased that the order has been entered for the consideration of the conference report on the agriculture research bill. As Senators may remember, when we passed the 1996 farm bill, the research

programs were only authorized to the year 1997. This allowed the committees of jurisdiction to undertake a reevaluation of the way in which Federal dollars are allocated to research facilities that are operated by the Department of Agriculture and that are used for grants for research and extension service activities at colleges and universities throughout the country.

As a result of that review, this legislation was produced. It improves the way those funds are allocated. It targets those funds to the highest priority subjects for agriculture research in our country. It is this Senator's hope that the Senate will approve the conference report and we can proceed to consider other related legislation.

I point out the fact that we are in the appropriations process now for the next fiscal year. The passage of this conference report will facilitate the handling of the appropriations bill for the Department of Agriculture and other departments of the Government. If we are sent back to rewrite the bill in conference on a motion to recommit, it will slow down the process. It will make it more difficult to achieve the kind of coherent funding procedure that we would otherwise be able to enjoy.

UNANIMOUS-CONSENT REQUEST—S. 1873

Mr. COCHRAN. Mr. President, at this point in the order of business, the majority leader had indicated that it would be appropriate to call up Calendar Order No. 345, S. 1873, the missile defense bill.

On behalf of the majority leader, I ask unanimous consent that the Senate now turn to the consideration of Calendar No. 345, S. 1873, the missile defense bill.

The PRESIDING OFFICER. Is there objection?

Mr. LEVIN. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

AMERICAN MISSILE PROTECTION ACT OF 1998—MOTION TO PROCEED

CLOTURE MOTION

Mr. COCHRAN. Mr. President, I move to proceed to Calendar Order No. 345, S. 1873, and I send a cloture motion to the desk on behalf of the majority leader.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provision of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to proceed to Calendar No. 345, S. 1873, the missile defense system legislation:

Trent Lott, Thad Cochran, Strom Thurmond, Jon Kyl, Conrad Burns, Dirk Kempthorne, Pat Roberts, Larry Craig, Ted Stevens, Rick Santorum, Judd Gregg, Tim Hutchinson, Jim Inhofe, Connie Mack, R. F. Bennett, and Jeff Sessions.

Mr. COCHRAN. Mr. President, I have been authorized to announce to the Senate on behalf of the majority leader that this cloture vote will occur on Wednesday at a time to be determined by the majority leader, after notification of the Democratic leader.

Mr. COCHRAN. Mr. President, I ask unanimous consent that the mandatory quorum under rule XXII be waived.

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

Mr. COCHRAN addressed the Chair.

The PRESIDING OFFICER. The Senator from Mississippi is recognized.

Mr. COCHRAN. Mr. President, this legislation was introduced by me and the distinguished Senator from Hawaii, Mr. INOUYE, last month. It is legislation that would change the policy of our country with respect to the deployment of a national missile defense system that would protect our Nation against limited ballistic missile attack. Since its introduction, 48 other Senators have joined us as cosponsors of the legislation, and the Senate Armed Services Committee has reviewed the legislation and reported it for the consideration of the Senate. The committee report is available as Calendar Order No. 345, and I invite the attention of Senators to the report.

The legislation was produced because of the findings of the Subcommittee on International Security, Proliferation, and Federal Services, which I chair, which conducted hearings over the past year looking into the threat caused by the proliferation of weapons of mass destruction and the means for delivering those weapons of mass destruction, particularly missile systems.

We had numerous expert witnesses who talked about the basics of how missile systems are developed, how the Atlas system was developed in our own country. General Bernard Schriever, who was the manager of the Atlas intercontinental ballistic missile program, told of the challenges faced by those who worked to build this first long-range missile system for the United States almost 50 years ago. He told of how, with the passage of time and the development of new technologies and communications systems and the easy access to scientific and technical information, those hurdles that were so difficult to overcome back then are now not difficult at all; that nation states who are intent on developing the capacity to deliver weapons of mass destruction over long distances now can achieve those results not with a 10-year program, but almost overnight if they have the determination, are willing to commit the dollars necessary to acquire the component parts, and have access to outside assistance in the form of either components or technical expertise.

You can see evidence of that and why that is really a new concern for us as a country without a national missile defense system, without the capacity to defend ourselves against an accidental launch of an intercontinental ballistic missile, or an unauthorized launch from another country possessing these systems, or from a rogue nation which puts all of these ingredients together without our being able to detect it and threatens the security of this country.

So this is an effort to change our national policy from the current 3+3 program of the administration, which is to develop within 3 years, starting in 1997, a national ballistic missile defense capability, and then, if a threat is perceived to exist thereafter, to deploy such a system within 3 years from the date that the threat is perceived to exist. That is the 3+3 program of this administration. We are seriously concerned that this is inadequate to meet the threat that currently exists.

First of all, the 3+3 program assumes that there is no threat at this time to the security of the United States or to the citizens of the United States. The legislation we have introduced says that there is a threat, we are vulnerable. There could be—although it might be unlikely—an accidental or unauthorized missile attack from Russia or from China, both of whom, as we know, have intercontinental ballistic missile capabilities right now.

There is also an emerging threat that exists right now, because of events that have occurred over the last several years that we have not been able to detect or discover through our intelligence gathering agencies. I am going to cite some examples. And I invite the attention of Senators to the bill itself, which recites a series of facts that were uncovered during the course of the hearings our committee conducted last year.

The case of Iran is a good example. When that country was provided missile components from Russia, we realized that they were capable of acquiring new expertise not discernible by the Central Intelligence Agency. As a matter of fact, during testimony that was provided to the Senate, the Director of Central Intelligence indicated that it was anticipated that Iran would not be able to develop a medium-range missile system for some 8 years or 9 years into the future.

Now, 1 year after that testimony was delivered to the Senate in 1997, the Director of Central Intelligence suggested that because of outside assistance obtained by Iran from other countries, it appears that they would be able to deploy a medium-range ballistic missile much sooner than had been earlier predicted. Even though the Director of Central Intelligence did not say exactly when that capability could be fielded, a State Department witness told the Senate that, within a year or a year and a half, that missile system could be deployed by Iran.

So what had been viewed as a threat which could occur 8 or 9 years in the

future, now, according to testimony recently received, it is clear it could be fielded some 7 or 8 years earlier than had been anticipated as recently as a year ago.

Another example is the case of Pakistan, which recently—a month ago, April 6—tested a ballistic missile with a range of 1,500 kilometers. If you look at a report that was made available to the public back in November of 1997 on proliferation issues, it suggests that Pakistan has missiles at this time with ranges of 300 kilometers. Now we see them test a missile last month with five times the range of what was said to be in their arsenal back in November, 6 months ago.

These are two examples of why the Director of Central Intelligence has said that he is not able to predict with any degree of certainty when other nations, rest-of-world countries, will have intercontinental ballistic missile capability—because of ''gaps and uncertainties.'' He used that phrase in his testimony to the Senate.

Another example of these surprises involved Iraq. You will recall that Secretary Cohen, then Senator Bill Cohen, made comments on the floor of the Senate about the surprise that had occurred when Iraq was able to launch a vehicle that almost put a satellite in Earth orbit and—not only that—demonstrate the capability of using missiles with much longer ranges, with much more sophistication than anyone in our country had anticipated. That was an example of a surprise to our intelligence agencies, who had not anticipated that those capabilities had been developed in Iraq.

Iraq surprised us in other ways. With the purchase of Scud missiles from North Korea and improvements that were made in Iraq, almost overnight the world was confronted with a nation state that had a lethal missile capability; was threatening its neighbors and others; was developing weapons of mass destruction which could be carried as warheads by these missiles; was threatening others with destruction, suggesting that if it had a missile system that would reach the United States, it might use it. Actual threats were being made about catastrophic damage being inflicted on the United States by Iraq.

Fortunately for the defense of our security interests in that region, the Army had been developing the Patriot missile defense system to protect troops in the fields. It was a short-range system; that was really all we had. When the Persian Gulf war broke out, Americans were able to see that this system was effective. It was not the best or the most perfect system you could have because many of the Scud rockets got through. Some of them broke up over Israel. Some of them inflicted property damage all around the region. Twenty-eight soldiers were killed in Dahran. United States troops were killed with those missiles because we were unable to protect their security at that time. We didn't have a system that was good enough to be perfect or fail-safe. There are risks.

But here we are now almost 10 years later and what have we done to improve the capability to protect the citizens of the United States against threats that we have heard from others—which the bill recites—and against the emerging sophistication and range of new missile systems that are under development in other parts of the world? We have gotten ourselves, I think, in the mindset of thinking about Russia and China as the only nations that we have to worry about who have intercontinental ballistic missile capability. We have had with Russia a relationship that has kept either one of us from using our missile weaponry and we are very grateful for the fact that we have come through this period of confrontation with the old Soviet Union without having a catastrophic tragedy as a result of these weapons of mass destruction.

But now we can't just focus our attention on Russia and China. We have to consider what is going on in the rest of the world where there are ''gaps and uncertainties'' in our ability to know exactly what is going on with respect to weapons development and missile development. But what we know is what we have been able to observe. And what we have observed is a steady and in some cases a rapid acceleration of capability and sophistication in countries that do not consider themselves friends of the United States. Some have talked about threatening us with missile attacks, destroying the United States. Other comments have been made by people like Muammar Qadhafi. Others who have expressed their anger toward the United States do not share our values.

We have to consider this to be a serious threat. The administration's policy is a wait-and-see policy. Let's do research and let's proceed with the development of a missile defense system, but let's wait and see if there is a threat to our security interests posed by intercontinental ballistic missiles, and then we will proceed to deploy the missile defense system.

You listen to anyone who has observed the funding process, the request for appropriations and authorization to proceed to the development of this program, and everybody agrees that there hasn't been enough money put in the program to reach a point where you will have a system deployment. The administration assumes we will have developed a defensive missile system within 3 years. We are into that now, looking at the second year of that program, and the Secretary of Defense has already sent up a request for additional moneys over and above what the President had said they would want for the program, admitting in a letter he has written in response to this legislation that there had not been robust enough funding to achieve that result.

I don't think you can find anybody who says that they are really going to complete this. They have now awarded a contract to a lead system integrator to develop a program pulling together all the component parts that had been under separate research and development, to try to make a coherent system that could be deployed. But I don't know of anybody who believes that can really be done in 3 years.

What we are trying to say to the Senate and to the administration with the filing of this bill and calling up this legislation is that we need to get serious. This is a threat which exists now. It is emerging in other nation states—some rogue states—and we are not doing enough to protect the security interests and the safety of American citizens with the current policy. It is immoral to sit back and do nothing or to do no more than talk about it.

If you look at the executive orders that have been signed by the President over the last 5 years, he has said repeatedly that we are confronted with a national emergency as a result of ballistic missile developments and weapons of mass destruction that we find going on in the world today—a national emergency.

I wonder what would be the judgment of the historians who would observe us in this situation. We are coming upon the end of a fiscal year where it is projected we will have a budget surplus of $30 billion—some say it may go as high as $50 billion—and we wake up one morning to a ballistic missile threat that is very real, or a ballistic missile attack that is made against our country. The American people are going to say what were we doing. And the administration said we asked for 3 billion dollars in this fiscal year. That doesn't sound much like a national emergency to me.

What I am beginning to realize is that if you talk like you are concerned about the problem and you sound sincere about wanting to do something about it or solve a problem, that that is enough. You don't really have to deliver. That is the political situation that I think we see today. We are hearing rhetoric, we are hearing promises, we are hearing a plan announced to get us to a point where we will have a ballistic missile defense system, but when you cut through all the talk and all the orders declaring it to be a national emergency, all of the budget requests, all of the testimony before the hearings and you find out what is really going on, you see a program that has already been described as a ''rush to failure,'' because of the architecture, the way it is constructed, the way the program is managed, all of the reasons that we have seen described in glowing terms by those who say we are doing the right thing, we are doing just enough to keep us on a steady course so we can protect the security of the country.

I don't believe we are doing enough. I don't believe we are managing the program in a correct way, and I don't think we are going to get to a point

where we have the capacity to protect our security or the safety of American citizens at a time when there is a threat that we have to be concerned about. I think we need to be concerned now. That is what this legislation does.

I hope that Senators will look at our proposal. It says simply that it is the policy of the United States to deploy a system to defend our country against a ballistic missile attack as soon as the technology is available. That is all this bill says.

The Congressional Budget Office was asked to assess the cost of the legislation. They say that passage of this legislation has no cost impact. The progress of the program to develop and deploy a system would depend upon the annual authorization and appropriations process, like any other acquisition program. And that is the point. This program has not been treated like any other acquisition program, and that is the problem. That is why it is a ''rush to failure.'' It is a rush to act like you are doing something, but not really accomplishing what you are saying you are setting out to accomplish. You are experimenting. You are conducting some tests on various component parts, whether it is communications, missile systems, guidance systems, the interceptors that are needed, the sensors that are necessary. All of those things are being tested. Some are considered successful; some have been considered unsuccessful. We had testimony from General Lyles, who runs the Ballistic Missile Defense Office, who said that they have learned something from all of these tests. To that extent, all of the tests have been successful in that we build on the knowledge gained. Some of the critics who say it is a bad idea to have the capacity to defend our country against ballistic missile attack say that unless you have a perfect test that shows an interceptor hitting an in-coming missile, it is a failure, and it proves that we don't know how to do it.

Well, look back to 1991, when the Persian Gulf war occurred, when we saw Patriot missiles intercepting Scud rockets. Some of the Patriots were intercepting and blowing the Scuds up, or were near hits. The fact is that some of those interceptor missiles were working even then. We have proven that we can hit a bullet with a bullet. We have the technology to do that today. What we don't have is the will to deploy a system to defend our country.

Now, let me say something about the relationship with Russia and the ABM Treaty. Some are saying, ''Well, doesn't this mean you are backing out of the ABM Treaty?'' You have a treaty with Russia that says each will not develop a defense system against the ballistic missiles of the other. Well, first of all, the ABM treaty doesn't have anything to do with some of these nation states who are developing their own sophisticated and long-range weapons systems. We don't have a treaty with them. We don't have a mutual-assured destruction arrangement with them. We don't have any defense against their missiles. Even under the ABM treaty, there is an opportunity to deploy a single-site missile defense system, and it is under that premise that our program has been developed up to this point—with a view that, if in the minds of those who defend the current policy a threat is perceived to exist at some future date, then we will deploy a system that is compatible with the provisions of the antiballistic missile agreement with Russia.

The treaty also permits that agreement to be amended. Whenever it is considered to be in the national interests of either country, negotiations can take place. As a matter of fact, our President was urged by the Senate to commence negotiation for the purpose of amending the agreements. We know that the administration has undertaken demarcation talks to try to distinguish between theater ballistic missile defense systems and the national ballistic missile defense system contemplated by the ABM Treaty, so that we can proceed to develop theater defenses like the Patriot, Navy Upper-Tier, the Airborne Laser system of the Air Force, and the Theater High Altitude Defense Area Program of the Army—looking at the different options that we have for protecting our troops and limited areas against ballistic missile attack. And so the ABM Treaty has some relevance in the debate, of course; but it is not an impediment to the adoption of this bill. It would not contravene or in any way fly in the face of the Anti-Ballistic Missile Treaty.

Some are beginning to realize that inevitably, at some point, we may have to discuss with Russia further amendments to the ABM Treaty. Russia may consider those amendments to be in their interest, too. They are located in close geographical proximity to some of these other countries that we have already mentioned. Not to suggest that there is any threat now, but there may be. Later, the Russians may have reason to agree with us that this is not only in our mutual interest, but it is in their individual interest. And so this is not a referendum on the ABM Treaty. We do not seek to amend it or withdraw from it, or violate it by the passage of this legislation.

I am hopeful that after Senators review the report of the Armed Services Committee, the fact that the committee has recommended the approval of this legislation, and the findings that were made by our subcommittee, some of which are recited in the language of the bill itself, that it will be the will of the Senate to adopt this bill and to say to all—the American citizens who may be worried about the vulnerability that we find ourselves in now, and those who may be contemplating stealing a march on the U.S. by developing quickly a long-range missile capability that could be used to threaten, intimidate, blackmail, or coerce our leadership—that we are not going to sit idly by and wait and see any longer. We are going to do what is necessary to develop and deploy a national missile defense system against limited ballistic missile attack. So don't waste your money, don't get carried away and go on a spending spree with a national program to develop a weapons system that is going to intimidate the United States, because we are not going to be intimidated. We are not going to be defenseless any longer.

And, finally, this is not a vote today to deploy a system now. It is a vote today to say it is our policy to deploy a system when it is technologically possible, when an effective national missile defense system can be deployed.

So I hope that Senators will agree with this. Fifty Senators are sponsors of this legislation. I urge its adoption by the Senate.

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER (Mrs. HUTCHISON). The Senator from Michigan is recognized.

Mr. LEVIN. Madam President, the legislation being discussed this afternoon would undermine a carefully designed program called the National Missile Defense Deployment Readiness Program, which is currently in place. That is why the Chairman of the Joint Chiefs of Staff and the Secretary of Defense do not support this bill and why they favor their current program that is in place.

This bill would commit us to deploy a national defense system before development is completed, without considering the critical factors that should inform a deployment decision.

There are a number of critical factors. What is the impact on arms reduction of such a commitment to deploy a system that could violate the Anti-Ballistic Missile Treaty? There is nothing in the language of this bill that says it will be treaty compliant. Nothing in this bill says that the national missile defense system that it commits us to deploy will be compliant with the Anti-Ballistic Missile Treaty.

That is a treaty, a solemn agreement between us and Russia. If we threaten to break out of that treaty unilaterally, we threaten the security of this Nation because that treaty permits Russia to ratify the START II agreement and to negotiate a START III agreement, reducing the number of warheads that they have on their missiles and warheads that could also potentially proliferate around the world and threaten any number of places, including us. This is not just a cost debate; it is a debate about committing ourselves to deploying a system not yet developed, and without knowing the cost of that system.

It is not just a debate over whether we ought to commit ourselves to a system of unknown cost, without consideration of other threats to this country from weapons of mass destruction and

of the likelihood of those threats actually happening. All those factors should be taken into consideration.

This bill would commit us to deploy a system which could undermine, weaken, lessen, the security of this Nation. And that is why this bill does not have the support of the Joint Chiefs of Staff. That is why this bill does not have the support of the Department of Defense. Yes; it commits us to deploy a system before we know the cost of the system, without even knowing what the cost is and without comparing the cost of this system to the cost of deploying other systems which could defend against or address different threats of delivery of weapons of mass destruction, like ships or trucks.

This bill would simply commit us now to deploy. As far as I know, we have never in the history of this Congress ever committed ourselves to deploy a weapon system before it was developed. But this bill does that. It would be a mistake to do so without consideration of those factors—cost, threats, and relative threats. But the biggest mistake that this bill makes is to commit us to deploy a system which could weaken and reduce the security of this Nation.

All of us want to defend this country. The good Senator from Mississippi wants to defend this country. He is a good friend of mine, and I know he does. I know that is 100 percent his motivation. And I hope and believe that he knows that is my motivation as well.

The question, though, is whether or not we are helping the security of this Nation or reducing the security of this Nation. If we commit ourselves to deploy a system which, in all likelihood, would violate a treaty between ourselves and Russia it would not help our security; it would reduce our security. By the way, if that is not an intent, it is very easy to amend this bill to say it would be a treaty-compliant deployment. But that language is not in this bill. To threaten to break a treaty which is key to the security of this Nation is a terrible mistake.

I just want to repeat what that threat is. Russia has signed the START I agreement and has significantly reduced the number of warheads. It is very clear that if we break out of this ABM Treaty unilaterally, and if they face ABM defenses here, they will not continue with the START I reductions, ratification of START II, and negotiation of START III.

The ABM Treaty has been discussed between our President and the Russian President. It has been discussed at the highest levels of government at a summit meeting. They have issued statements following those summits. Most recently at the Helsinki Summit, March 21, 1997, President Clinton and President Yeltsin issued the following joint statement:

President Clinton and President Yeltsin, expressing their commitment to strengthen strategic stability and international security, emphasizing the importance of further reductions in strategic offensive arms, and recognizing the fundamental significance of the antiballistic missile treaty, for these objectives, as well as the necessity for effective theater missile defense, consider it their common task to preserve the ABM Treaty, prevent circumvention of it, and enhance its viability.

That is the highest level that we can reach here, at least in our Government. You can't go higher than having the President of the United States and the President of Russia issuing a joint statement, which they just did in March of 1997, that recognizes the fundamental significance of the Anti-Ballistic Missile Treaty for the objective of further reductions in strategic offensive arms. That is about as serious a statement as you can get.

I think we all want those reductions. I don't know of anybody in this body who does not want to reduce the number of strategic nuclear weapons that exist in this world. But for us to threaten to deploy a system which would, in all likelihood, violate the Anti-Ballistic Missile Treaty and would then jeopardize the reduction in nuclear weapons, which we all hope for so fervently, could undermine and weaken the security of this Nation. That is why this bill does not have the support of our uniformed military.

So this isn't a question of whether you are for the security of the United States or not. We are all for the security of United States. This is a question of how best to achieve the security of the United States. By committing ourselves to deploy a system which will lead to more weapons remaining on this Earth's surface and thus contributing to the proliferation of those weapons, by the mere fact that we would be jeopardizing reductions in the number of weapons, is not a way to contribute to the security of this Nation.

The Chairman of the Joint Chiefs has written us a letter. I hope every Member of this body will take some time to read this letter—it is dated April 21, 1998—in which he compares the bill that we are discussing now, S. 1873, to the current program, the so-called National Defense Deployment Readiness Program. Under the current program, we are going to develop the capability to have a missile defense against intercontinental ballistic missiles. We are going to do it as fast as we can.

But what I think is particularly notable about the defense authorization bill—which will hopefully be on the floor later this week—is that I don't think there is a member of our committee, whichever side of this issue that they are on, who voted additional money for national missile defense. The budget for national missile defense has a significant amount of money in it, some $950 million dollars. And if we are not doing anything, as my good friend from Mississippi said, if we are just sitting around on our hands, or twiddling our thumbs while our security is jeopardized, and if we are not developing a national missile defense system as quickly as we should because we have not made the commitment to deploy, then you would think somebody on the Armed Services Committee, 10 of whom voted for the bill before us, would have voted to add money to develop that system, or proposed it at least.

But while the Armed Services Committee is deeply divided on the question of this bill—10 people voting yes and 7 people voting no, if my recollection is correct—nobody proposed that we add money to the national missile defense to develop a system which is referred to in this bill, presumably, because I think everybody on the committee thought we had adequate funding in our authorization. I do not want to be presuming here. We have to find out whether that is true. Perhaps when the bill comes to the floor, somebody will move to add additional funds.

But I caution people, you can only move at a certain speed without jeopardizing the program. You don't want to do certain things before you have adequately tested what you have already done. General Larry Welch, the retired Air Force Chief of Staff who studied this issue for the Department of Defense, has cautioned us that we should not put more money, should not force more money, into a program and push for a faster deployment without adequately testing what we are doing and providing sufficient time for such testing.

But, nonetheless, we will find out on the floor whether there are people who think we can usefully add more money to the development of a national missile defense, and, if so, I presume there would be an amendment. But that is not this bill. This bill doesn't add any money to a national missile defense system. This bill commits us to deploy the system before it is developed, without consideration of the impact on nuclear arms reductions and without consideration of the cost of the system, since we have not developed it. It also commits us without comparing the relative cost of deploying this system against the long-range missile threats there are at the time of the decision against the cost of deploying defenses against whatever other threats are coming from different directions in the area of weapons of mass destruction.

So we have these two approaches. One is the current approach to a national missile defense system, supported by the Secretary of Defense and the Chairman of the Joint Chiefs of Staff, which puts a significant amount of money into development and which then declares that when the system is developed, that we will make a decision whether or not to deploy. That decision will be made after we have adequately developed and tested a system.

That decision will be based on a number of facts, including the threats, the cost, the cost-effectiveness, the operational effectiveness and, very critically, what arms reductions could be

jeopardized by a unilateral deployment of whatever system is developed.

Now, the letter from the Chairman of the Joint Chiefs of Staff to me compares the two bills, as I started to say, and it says that ''the bill and the program that we currently have are consistent on many points. However, the following differences make it difficult to support enactment.''

Now, these are the reasons why the Chairman of the Joint Chiefs, General Shelton, in his letter to me, says it is difficult to support enactment.

First, he says:

> The bill would establish a policy to deploy as soon as technology allows. The NMD program, on the other hand, requires an emerging ballistic missile threat as well as achievement of a technological capability for an effective defense before deployment of missile defenses.

Secondly, as to why General Shelton says it is difficult to support enactment of this bill, he points out that:

> The bill asserts that the United States has no policy to deploy an NMD system. In fact, the NMD effort is currently a robust research and development program that provides the flexibility to deploy an initial capability within 3 years of a deployment decision. This prudent hedge ensures that the United States will be capable of meeting the need for missile defenses with the latest technology when a threat emerges.

Third, General Shelton says:

> I disagree with the bill's contention that the United States ability to anticipate future ballistic missile threats is questionable. It is possible, of course, that there could be surprises, particularly were a rogue state to receive outside assistance. However, given the substantial intelligence resources being devoted to this issue, I am confident that we will have the 3 years' warning on which our strategy is based.

The fourth point in his letter he has subsequently modified, I understand, so I won't quote that point. I believe he sent a subsequent letter to Senator COCHRAN advising that it no longer is relevant or that the point is now moot, I believe, agreeing with Senator COCHRAN on that point.

But the fifth point he makes as to why he says that ''it is difficult to support enactment,'' as he phrases it, is that ''the bill does not consider affordability or the impact a deployment would have on arms control agreements and nuclear arms reductions. Both points are addressed in the NMD Deployment Readiness Program and should be included in any bill on NMD.''

Now, those are his reasons. We have a letter from the Secretary of Defense, as well, saying that he does not support this bill, and describing the current system, which is basically the hedge strategy that the Chairman of the Joint Chiefs described in his letter.

General Shalikashvili, the former Chairman of the Joint Chiefs of Staff, wrote us in May of 1996 the following:

> In this regard, efforts which suggest changes to or withdrawal from the ABM Treaty may jeopardize Russian ratification of START II and, as articulated in the Soviet statement of 13 June 1991, could prompt Russia to withdraw from START I. I am concerned that failure of either START initiative will result in Russian retention of hundreds or even thousands more nuclear weapons, thereby increasing both the costs and the risks that we face.

Now, that is the issue which we must decide here. Do we want to commit ourselves to the deployment of a system not yet developed, the costs of which are not known, the risks of which are many including—and these are the words of General Shalikashvili—that we could face additional thousands of nuclear weapons ''thereby increasing both the costs and the risks that we face.''

Might we want to deploy a system? The answer is yes. Weighing all of the factors which General Shalikashvili and General Shelton tell us should be considered, might we want to deploy a system after it is developed? The answer is yes. That is why we are developing it—to put ourselves in a position where we could deploy—could deploy—a national missile defense system.

Do we want to commit to deploying it before development is completed, without consideration of the impact on arms reductions, without consideration of what the threat is at the time that the deployment decision should be made, without the consideration of those factors? We should not.

Much more important than my saying that is what General Shelton said and what General Shalikashvili said and what the Secretary of Defense said. Do we all want to increase the security of this Nation? We do. Will a commitment to deploy a system which could lead us to face additional thousands of nuclear weapons contribute to the security of this Nation? I doubt it. Could there be a circumstance under which we might want to deploy, despite the ABM Treaty? There could be. Does that circumstance exist now? It does not.

Should we seek to negotiate with the Russians a shift from focusing on offensive weapons to including defenses? We should. Should this be a mutual discussion? Should this be a mutual activity? Surely, it should be. Can we unilaterally now commit ourselves to deploy a system which in all likelihood would violate a keystone treaty between ourselves and the Russians? Should we commit ourselves to do that now? No. Because by doing so we will weaken us, not strengthen us.

Are we doing nothing? No. We are spending billions to develop a system to permit us to decide to deploy it, should we need to. So this is not a matter of should we do something or should we do nothing. We are pursuing a hedge strategy with our current NMD program, as General Shelton described. The hedge is that we are developing a system as fast as it makes sense to develop. And again, if we should develop it faster and if we can, then I am assuming that we would face an amendment on the defense authorization bill that would seek to add more funds for that purpose. But we are developing a system as fast as is prudent. General Welch suggests that we may even be developing it faster than is prudent, thereby jeopardizing the effectiveness of the system we develop.

But nonetheless, should we develop it as quickly as prudent? Yes. Are we? Yes. Should we prejudge the deployment decision and make a determination which, as far as I know, has never been made in the history of Congress to deploy a system before it is developed? We should not. And General Shelton and General Shalikashvili, our senior uniformed military, and our civilian defense leaders, are urging that we stay with the current system, which is that hedge strategy of developing so that we could deploy should all those factors point in that direction after the development is completed.

Finally, Madam President, I want to read one additional paragraph from the letter of General Shalikashvili, then Chairman of the Joint Chiefs of Staff, to Senator Nunn, a letter dated May 1, 1996. I ask unanimous consent that this letter, plus the additional letters that I have referred to, be printed in the RECORD.

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

CHAIRMAN OF THE
JOINT CHIEFS OF STAFF,
Washington, DC, May 1, 1996.

Hon. SAM NUNN,
U.S. Senate, Committee on Armed Services, Washington, DC.

DEAR SENATOR NUNN: In response to your recent letter on the Defend America Act of 1996, I share Congressional concern with regard to the proliferation of ballistic missiles and the potential threat these missiles may present to the United States and our allies. My staff, along with the CINCs, Services and the Ballistic Missile Defense Organization (BMDO), is actively reviewing proposed systems to ensure we are prepared to field the most technologically capable systems available. We also need to take into account the parallel initiatives ongoing to reduce the ballistic missile threat.

In this regard, efforts which suggest changes to or withdrawal from the ABM Treaty may jeopardize Russian ratification of START II and, as articulated in the Soviet Statement to the United States of 13 June 1991, could prompt Russia to withdraw from START I. I am concerned that failure of either START initiative will result in Russian retention of hundreds or even thousands more nuclear weapons thereby increasing both the costs and risk we may face.

We can reduce the possibility of facing these increased cost and risks by planning an NMD system consistent with the ABM treaty. The current National Missile Defense Deployment Readiness Program (NDRP), which is consistent with the ABM treaty, will help provide stability in our strategic relationship with Russia as well as reducing future risks from rogue countries.

In closing let me reassure you. Senator Nunn, that I will use my office to ensure a timely national missile defense deployment decision is made when warranted. I have discussed the above position with the Joint Chiefs and the appropriate CINCs, and all are in agreement.

Sincerly,

JOHN M. SHALIKASHVILI,
Chairman of the Joint Chiefs of Staff.

THE SECRETARY OF DEFENSE,
DEFENSE PENTAGON,
Washington, DC, April 21, 1998.

Hon. STROM THURMOND,
Chairman, Committee on Armed Services, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: I am writing in response to your request for the views of the Department of Defense on S. 1873, the American Missile Protection Act of 1998.

The Department of Defense is committed to ensuring that we properly protect the American people and America's national security interests. This requires that we have a carefully balanced defense program that ensures that we are able to meet threats to our people and vital interest wherever and whenever they arise. A key element of our defense program is our National Missile Defense (NMD) program, which as you know was restructured under Secretary Perry and with the support of Congress as a ''3+3'' deployment readiness program. Under this approach, by 2000 the United States is to be in a position to make a deployment decision if warranted by the threat, and if a decision to deploy were made at that time the initial NMD system would be deployed by 2003. If in 2000 the threat assessment does not warrant a deployment decision, improvements in NMB system component technology will continue, while an ability is maintained to deploy a system within three years of a decision.

The Quadrennial Defense Review reaffirmed this approach, although it also determined that the ''3+3'' program was inadequately funded to meet its objectives. Accordingly, I directed that an additional $2.3 billion be programmed for NMD over the Future Years Defense Plan. It must be emphasized, though, that even with this additional funding, NMD remains a high risk program because the compressed schedule necessitates a high degree of concurrency.

I share with Congress a commitment to ensuring the American people receive protection from missile threats how and when they need it. S. 1873, however, would alter the ''3+3'' strategy so as to eliminate taking into account the nature of the threat when making a deployment decision. This could lead to the deployment of an inferior system less capable of defending the American people if and when a threat emerges. Because of this, I am compelled to oppose the adoption of the bill.

Please be assured, however, that I will continue to work closely with the Senate and House of Representatives to ensure that our NMD program and all of our defense programs are designed and carried out in a manner that provides the best possible defense of our people and interests.

Sincerely,

WILLIAM S. COHEN.

CHAIRMAN OF THE
JOINT CHIEFS OF STAFF,
Washington, DC, April 21, 1998.

Hon. CARL M. LEVIN,
Ranking Minority Member, Committee on Armed Services, Washington, DC.

DEAR SENATOR LEVIN: Thank you for the opportunity to comment on the American Missile Protection Act of 1998 (S. 1873). I agree that the proliferation of weapons of mass destruction (WMD) and their delivery systems poses a major threat to our forces, allies, and other friendly nations. US missile systems play a critical role in our strategy to deter these threats, and the current National Missile Defense (NMD) Deployment Readiness Program (3+3) is structured to provide a defense against them when required.

The bill and the NMD program are consistent on many points; however, the following differences make it difficult to support enactment. First and most fundamental are the conditions necessary for deployment. The bill would establish a policy to deploy as soon as technology allows. The NMD program, on the other hand, requires an emerging ballistic missile threat as well as the achievement of a technological capability for an effective defense before deployment of missile defenses.

Second, the bill asserts that the United States has no policy to deploy an NMD system. In fact, the NMD effort is currently a robust research and development program that provides the flexibility to deploy an initial capability within 3 years of a deployment decision. This prudent hedge ensures that the United States will be capable of meeting the need for missile defenses with the latest technology when a threat emerges.

Third, I disagree with the bill's contention that the US ability to anticipate future ballistic missile threats is questionable. It is possible, of course, that there could be surprises, particularly were a rogue state to receive outside assistance. However, given the substantial intelligence resources being devoted to this issue, I am confident that we will have the 3 years' warning on which our strategy is based.

Fourth, the bill uses the phrase ''system capable of defending the territory of the United States.'' The NMD program calls for defense of only the 50 states. Expanding performance coverage to include all US territories would have considerable cost, design, and location implications.

Finally, the bill does not consider affordability or the impact a deployment would have on arms control agreements and nuclear arms reductions. Both points are addressed in the NMD Deployment Readiness Program and should be included in any bill on NMD.

Please be assured that I remain committed to those programs that discourage hostile nations from the proliferation of WMD and the missiles that deliver them. In that regard, I am confident that our current NMD program provides a comprehensive policy to counter future ballistic missile threats with the best technology when deployment is determined necessary.

Sincerely,

HENRY H. SHELTON,
Chairman of the Joint Chiefs of Staff.

GENERAL COUNSEL OF THE DEPARTMENT OF DEFENSE, DEFENSE PENTAGON,
Washington, DC, April 20, 1998.

Hon. STROM THURMOND,
Chairman, Committee on Armed Services, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: This is in response to your request for the views of the Department of Defense on S. 1873, 105th Congress, 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.''

The Department of Defense and the Administration object to the American Missile Protection Act of 1998. In response, the Department of Defense would note that the Administration's National Missile Defense Deployment Readiness Program is correct, prudent, and positions the United States to deploy a defense when a threat emerges.

S. 1873 would seek to make it United States policy ''to deploy as soon as technologically possibile an effective National Missile Defense system capable of defending the territory of the United States against limited ballistic missile attack (whether accidental, unauthorized, or deliberate).''

The Administration's National Missile Defense program is premised on the view that not only must the technology be developed to allow for an effective defense, but that deployment should be based on an emerging rogue ballistic missile threat to the United States. To do otherwise is to waste scarce Defense resources and to forego deploying the most effective defense when the threat actually emerges.

The Intelligence Community has concluded that a long-range ballistic missile threat to the United States from a rogue nation, other than perhaps North Korea, is unlikely to emerge before 2010 but could be accelerated if those nations acquired this capability from beyond their borders. The Intelligence Community concluded that the only rogue nation missile in development that could strike the United States is the North Korean Taepo Dong 2, which could strike portions of Alaska or the far-western Hawaiian Islands. however, as Secretary Cohen stated in his 1998 Annual Report to the President and the Congress, the likelihood of the Taepo Dong 2 being operational by 2005 is very low. The Administration is not complacent about this assessment. The National Missile Defense program is designed to account for the uncertainty about when and where threats may emerge by developing a National Missile Defense capability that can be deployed well ahead of this estimate. The Administration agrees that the United States must work to defend all 50 states against potential limited missile threats from rogue nations. The National Missile Defense Deployment Readiness program will position the United States to deploy an initial capability as early as 2003. But, the Administration opposes S. 1873 because it would commit the United States to deploy a National Missile Defense system in the absence of an emerging rouge state ballistic missile threat. The crucial difference is in timing of a deployment decision. Commitment to deployment now, in the absence of a threat, would divert vital defense funds from more pressing military needs and would result in premature commitment to a technological option that may be outdated when the threat emerges.

The Office of Management and Budget advises that, from the standpoint of the Administration's program, there is no objection to the presentation of this report for the consideration of the Committee.

Sincerely,

JUDITH A. MILLER.

Mr. LEVIN. Madam President, the paragraph to Senator Nunn reads as follows.

> We can reduce the possibility of facing these increased costs and risks.

And here he is talking about the risk he cited earlier in this letter of thousands of more nuclear weapons being retained by Russia should we unilaterally develop or deploy defenses in violation of the ABM Treaty. General Shalikashvili says:

> We can reduce the possibility of facing these increased costs and risks by planning an NMD system consistent with the ABM Treaty. The current National Missile Deployment Readiness Program, which is consistent with the ABM Treaty, will help provide stability in our strategic relationship with Russia as well as reducing future risks from rogue countries.

Those are the risks we are all concerned about, risks from rogue countries being particularly of concerns—missile risks, yes, but other risks of delivery of weapons of mass destruction also.

I think that is the greatest threat, those weapons of mass destruction and

the delivery by various means, everything from suitcases to ships to truck bombs, perhaps to missiles. Those are the greatest risks that this Nation faces as we enter the next century. But we are not reducing those risks; we are probably increasing those risks, if Russia, seeing us commit to deploy a system unilaterally which could violate the ABM Treaty, then decides, as General Shalikashvili suggests they would, that they can no longer comply with START I, cannot ratify START II, or negotiate further reductions in START III.

So, I hope that this bill will not be adopted. It was a vote of 10 to 7 in the Armed Services Committee which approved reporting this bill to the Senate. I assume it would be a very heavily debated bill, should it come before the Senate. But in the meantime, I oppose this bill.

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

Mr. ROCKEFELLER. Madam President, I ask unanimous consent that we might proceed as in morning business.

Mr. COCHRAN. Reserving the right to object, Madam President, and I don't want to object, but I had hoped we could conclude this debate here and I would withdraw this motion. I know of no Senators coming over to speak, unless the Senator from Oregon is seeking to speak on this motion to proceed to the bill. I heard there were other Senators who were interested. If the Senator will permit me a couple of minutes, then I will withdraw this motion and he can proceed as in morning business. But right now, the business is the motion to proceed to consider this missile defense bill. It won't take long, I assure the Senator, if he will indulge me.

The PRESIDING OFFICER. The Senator from Mississippi is recognized.

Mr. COCHRAN. Madam President, I would like to make one closing point that I think should be made regarding the nature of the threat that exists now from other nations that are rapidly increasing both the range and sophistication of their missile systems. I talked about Iraq, our experience in the Persian Gulf war, what we have known about the capability which they developed very quickly after the purchase of systems from North Korea. We talked about Iran and the medium-range Shahab-3 and -4 systems that they are developing. We talked about Pakistan's testing last month a 1,500-kilometer-range missile, when 6 months ago the Defense Department's report on proliferation around the world said that Pakistan had only a 300-kilometer-range missile and a shorter-range missile in their arsenal. No mention was made of any longer-range missile.

But I have neglected to point out what is happening, and what we know has happened, in North Korea, which has led to an assessment that they are developing missiles with much greater ranges than that. There is under development the Taepo-Dong 2 missile with a 6,000-kilometer intercontinental capacity, which would put within its range portions of Alaska and Hawaii.

These are facts. These are reports that have been made public. We know that they have already deployed systems that are of shorter range than that, creating a very unstable and stressful situation because of the missile threat in that region of the world. We are kidding ourselves if we continue to assume that there is no emerging threat. These threats have emerged, they exist now, and they show the capacity of nation states to develop, with their own technology, their own technicians, weapons systems that are going to have longer and longer ranges and the capacity to deliver weapons of mass destruction.

That is the reality. And when a CIA Director says that he cannot predict when rest-of-the-world nations will have intercontinental ballistic missiles because of ''gaps and uncertainties''—when we don't have the capacity to make those findings and projections—it seems to me that the facts are clear, and the facts are serious. They should cause us great concern and convince the Senate that it ought to take action in the passage of this legislation, and change our policy of ''wait-and-see'' to one of ''deploy as soon as the technology is ready.'' It is going to be in our interests to deploy a system 1 year sooner than it is needed rather than 1 year after it is needed.

Madam President, I had notified other Senators that we were going to withdraw the motion to proceed to consider this bill. There will be other opportunities to talk about it when it comes up on Wednesday, if a vote on cloture is ordered then, or Senators may talk about it as in morning business during the remainder of this evening. But if other Senators do not wish to talk on the subject, it is my intention to withdraw the motion.

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Madam President, briefly, I ask unanimous consent that the portion of the annual report to the President and Congress from Secretary Cohen entitled ''National Missile Defense Program'' be printed in the RECORD.

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

EXCERPT OF SECRETARY OF DEFENSE WILLIAM S. COHEN'S ANNUAL REPORT TO THE PRESIDENT AND THE CONGRESS, 1998, PAGES 65–66

The Intelligence Community has concluded that the only rogue nation missile in development which could conceivably have the range to strike the United States is the North Korean Taepo Dong 2, which could strike portions of Alaska or the far-western Hawaiian Islands, but the likelihood of its being operational by 2005 is very low. With this exception, no country, other than the declared nuclear powers, will develop or otherwise acquire a ballistic missile in the next 15 years that could threaten the United States, although outside assistance is a wild card that could shorten timelines to deployment.

The NMD program is structured to develop and test system elements the United States could deploy if intelligence indicated that a new strategic threat was emerging. The United States is not making a decision to deploy a national missile defense at this time. Deploying before the threat emerges would preclude deploying the most advanced technology if and when the threat does emerge. If a threat does not emerge, the NMD program will continue to improve the performance of the system by advancing the technology of each element and adding new elements as necessary, while maintaining the capability to deploy a system in a short period of time.

Mr. LEVIN. Madam President, I will just read one paragraph from this, and then I want to ask my good friend from Mississippi a question. The paragraph reads:

The national Missile Defense Program is structured to develop and test system elements the United States could deploy if intelligence indicated that a new strategic threat was emerging. The United States is not making a decision to deploy a national missile defense at this time. Deploying before the threat emerges would preclude deploying the most advanced technology if and when the threat does emerge. If a threat does not emerge, the NMD program will continue to improve the performance of the system by advancing the technology of each element and adding new elements as necessary, while maintaining the capability to deploy a system in a short period of time.

There is also a discussion in the previous paragraph, which is now incorporated in the RECORD, as to why, relative to the North Korean Taepo Dong 2, and the ''likelihood of its being operational by 2005 being very low.''

Now, my question of my friend is this. He made reference to the fact that the motion is being withdrawn. I want to be sure I understand; I assume he means that the motion is being set aside at this time—is that correct?—and that the scheduled vote on Wednesday is what is contemplated.

Mr. COCHRAN. That is the intention of this Senator. Thank you.

Mr. LEVIN. I thank the Chair.

Mr. COCHRAN addressed the Chair.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Madam President, I ask unanimous consent that the motion to proceed be withdrawn.

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

MORNING BUSINESS

Mr. COCHRAN. Madam President, I ask unanimous consent that there now be a period for the transaction of routine morning business, with Senators permitted to speak for up to 10 minutes each.

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

Mr. WYDEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Madam President, I ask unanimous consent to speak in morning business.

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

INTERNET TAX FREEDOM ACT

Mr. WYDEN. Madam President, we had a thoughtful discussion on the floor of the Senate earlier today with Senator MCCAIN and Senator DORGAN especially with respect to the high-tech issues that will be coming up over the course of this week.

In a sense, it is ironic that we call it high-tech week here. I am very pleased that Senator LOTT and Senator DASCHLE have been able to get an agreement to deal with these issues. And, in a sense, we are going to be dealing with high-tech issues all year round as we face the 21st century. It is not going to be something that we look at just from time to time, but it will essentially dominate, in my view, debate about public policy in the years ahead. And I am particularly hopeful that this week we will have an opportunity on the Senate floor to debate the Internet Tax Freedom Act which, as our Presiding Officer knows, was debated at some length in the Senate Commerce Committee earlier this year.

My sense is that these tax issues are especially important because it is so critical that our country lay out a set of ground rules, a set of principles that will address the question of taxation and the digital economy.

Right now, you can live in the Dakotas, and if you want to send a tasty fruit basket from a company in Oregon, you can order it on line, say, from a firm in Virginia, and pay for it with a Florida bank card, and you can end up absolutely baffled with respect to how many jurisdictions may be in a position to impose taxes on this particular transaction.

We have already heard in testimony before the committee that the uncertainty surrounding these transactions has caused some businesses to go under. In particular, we heard from a small business in Tennessee about the problem. The Wall Street Journal recently reports in a Peat Marwick survey that many financial executives are uncertain with respect to how transactions will be handled in cyberspace. This has contributed to uncertainty and reluctance to go forward and do business on line.

Recently, one of the prominent analysts, a firm by the name of Vertex, cited several States where it was really impossible to know how to proceed with respect to electronic commercial transactions because, in effect, the rules were so fluid that you would have to get an interpretation of tax law that really was not written.

So I and others have introduced the Internet Tax Freedom Act. And its purpose is simple. That is to give consumers and businesses engaged in electronic commerce a timeout from discriminatory taxes so that our country can develop a fair and reasonable policy on Internet taxation.

And we are very proud of the strong bipartisan support that this effort has received. Governor George Bush, for example, from the State of Texas, has recently spoken out on this issue. Our colleague, Senator PAT LEAHY of Vermont, Steve Forbes—the list of supporters for this effort literally spans the spectrum.

I believe that the reason it has been possible to generate such strong bipartisan support for the Internet Tax Freedom Act is that during this period where there will be a bar on discriminatory taxes on electronic commerce, all other forms of taxation that are used in the regular course of business would be allowed to go forward. So during the period when our country tries to develop a set of ground rules for taxation of electronic commerce—all of the property taxes, all of the sales taxes, all of the use taxes, all of the business license fees that are nondiscriminatory—would stay in place.

For our colleagues that have been following this issue, it is all laid out very specifically in section 3 of our legislation. For example, under our legislation if Mr. Brown in South Dakota picks up the phone and orders a sweater from J.C. Penney in Illinois he would pay the same sales tax as if he walked into J.C. Penney in Sioux Falls, SD. South Dakota taxes sales of goods over the Internet the same as sales of tangible personal property through more traditional channels. Exactly the same treatment for a transaction, whether it is conducted over the Internet or whether it is conducted through more traditional means.

Going further, if you are a chef in Charleston, SC, and you order a new saucepan from Williams-Sonoma in California, under our legislation you would pay the same sales tax as if you walked in to the Williams Sonoma shop in Charleston. South Carolina taxes sales of goods over the Internet the same as sales of tangible personal property through more traditional channels.

Now, there has been an effort by some to say that this legislation would in some way harm Main Street. The fact of the matter is that Main Street has overwhelmingly come out for this legislation. I will append to my statement a long list of the business groups that support the legislation, but every Member of the U.S. Senate has received a letter from the Chamber of Commerce in recent days with a ringing endorsement of the Internet tax freedom legislation. And the reason for this very strong support, in my view, is that Main Street business has come out strongly for the legislation. I believe the reason that Main Street businesses are so strongly supporting the Internet Tax Freedom Act is that for them, the opportunity to do business on-line ensures that geography will be irrelevant in the 21st century.

A lot of those small businesses on Main Street in rural America—and I represent many of them in the State of Oregon—do have difficulty competing today in the global marketplace. One of the reasons they do is because geography is a very big barrier in terms of their ability to tap the global economy. With the Internet Tax Freedom Act ensuring that they are treated fairly both during this period when there is an effort to come up with new ground rules, and for the 21st century, we give new opportunity to those small Main Street businesses across America. I believe that is why they have endorsed this legislation so strongly.

If ever there was an issue that was appropriate for the U.S. Senate to deal with, it is this question. This is what article 1 of our Constitution is all about. We have 30,000 taxing jurisdictions in America. I believe it is fair to say that if a fair number of these taxing jurisdictions go forward and levy taxes on electronic commerce, in a discriminatory way this will do enormous damage to what I believe will be the business infrastructure of the 21st century.

Senator MCCAIN and Senator DORGAN, as I said, had a very thoughtful discussion of the potential of Internet commerce in the years ahead. But let us make no mistake about it, if these small businesses all across this country are going to suddenly have to put on accountants and various kind of tax specialists to figure out what kind of taxes they owe in various local jurisdictions across this country, this will damage electronic commerce and the ability of the small businesses to compete in a profound way.

If you have a two-person operation, a two-person business operating out of an individual's home, and they are somehow supposed to collect scores of different sales and property taxes across this country there is going to be enormous confusion just as we see the electronic marketplace take off. I know no Member of the U.S. Senate wants to see that happen.

The bottom line is that the Internet Tax Freedom Act applies only to those taxes that are not technologically neutral. Only those taxes that single out the Internet would be affected, and every business in America would still have to pay its share of taxes. So if a State has a 3-percent sales tax that a customer has to pay the State when walking into a store to purchase a product, under the Internet Tax Freedom Act, section 3 specifically, the State can, in fact, charge a 3-percent sales tax on goods ordered over the Internet.

I am very hopeful that there will be an opportunity to debate this issue on the floor of the U.S. Senate. A number of my colleagues, Senator DORGAN specifically, have important issues that they want to raise. I and other sponsors of this legislation have sought to address many of them. But I believe this is one of the most important issues that this Senate could be dealing with because it is going to frame the ground work for the digital economy in

the 21st century and it is important that all businesses are treated fairly.

It is also important that the U.S. Senate realize the damage that can be done if you continue to see a growth in the kind of confusion that the Vertex Company has pointed out with respect to the inability of businesses to get answers. We will damage Internet commerce if we see more small businesses like the Tennessee businessman who testified before the Commerce Committee that he went out of business because of the confusion on the part of his State with respect to how electronic commercial transactions ought to be handled.

No Member of the U.S. Senate wants to see that happen. We have an opportunity to get this issue with respect to the digital economy right. We have a chance to take a timeout from discriminatory taxes, come up with a policy for Internet taxation that is fair and makes sense. Let's not kill the Internet goose that is showing the capacity to lay an extraordinary number of golden eggs.

I hope we will have a chance to discuss this issue at great length throughout the course of the week. I especially want to thank my colleagues, Senator MCCAIN, the chairman of the Senate Commerce Committee, who has worked diligently with me on this legislation for more than a year; my colleague, Senator DORGAN, who does have questions about this legislation but has always been very fair in terms of raising them. I am very hopeful we will have a chance to debate and vote on this legislation during the course of this week.

I yield the floor.

The PRESIDING OFFICER (Mr. ALLARD). The Senator from Florida.

Mr. GRAHAM addressed the Chair.

The PRESIDING OFFICER. The Senator from Florida is recognized.

PRIVILEGE OF THE FLOOR

Mr. GRAHAM. Mr. President, I ask unanimous consent that Dr. Susan Goodman be granted floor privileges during the duration of my remarks.

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

Mr. GRAHAM. Mr. President, what is the current time limitation for speaking as in morning business?

The PRESIDING OFFICER. Ten minutes is the time limit.

Mr. GRAHAM. I ask unanimous consent to speak for up to 20 minutes to deliver 2 statements on 2 different topics.

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

(The remarks of Mr. GRAHAM pertaining to the introduction of S. 2061 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

NATO EXPANSION

Mr. GRAHAM. Mr. President, approximately ten days ago, the Senate voted to ratify the accession of Poland, Hungary, and the Czech Republic into the North Atlantic Treaty Alliance.

I joined 79 of my colleagues in supporting this historic measure.

This vote occurred at the end of a week of debate in the Senate on this matter. But it signaled the beginning of an equally important process—that of redoubling or diplomatic efforts to build greater trust and cooperation with Russia.

Many who argued against expanding the alliance did so on the assumption that such expansion would sour our relations with Russia and reduce the chances for progress in arms control. I believe that the consequences of expanding NATO are still undetermined, and that those consequences will depend largely on how we conduct our relations with Russia in the coming years.

Russia currently has 6,680 strategic nuclear warheads, thousands of tactical warheads, and hundreds of tons of fissile material that could be used to produce additional nuclear warheads.

Ensuring that these weapons are properly controlled and further reductions in strategic warheads are made is one of the principal national security interests of the United States.

This is why it is critical that we take greater steps to reach out to Russia and demonstrate our desire to work with them in a cooperative fashion.

Mr. President, in 1996, I was a member of the Commission on America's National Interests. This commission, which included my colleagues Senator MCCAIN, ROBERTS, and former Senator Nunn, as well as other foreign policy experts, was charged with identifying American national interests in the Post-cold-war era.

The Commission specifically addressed the question of expanding NATO, saying, ''NATO enlargement is in the U.S. interest, but it will be essential to manage the process in ways that take account of Russian concerns.''

We have already taken several important steps, including the U.S.-Russian Founding Act, the Nunn-Lugar programs, and the Partnership for Peace. Indeed, U.S. and Russian forces have served side by side in Bosnia. But there is much more to be done.

We must seek new ways to cooperate and build trust between our two great nations. What is needed is a sustained creative program of outreach to demonstrate that NATO expansion was not a hostile act designed to build a new Iron Curtain closer to Russia's borders.

Nor was it a signal that we have lost interest in helping Russia work through one of the most significant societal transformations in history.

One suggestion for creative outreach involves the Year 2000 Problem, which is sometimes referred to as Y2K.

We have undertaken a massive effort to deal with this issue of the reliability of our information systems after the year 2000. The Defense Department has alone identified 2800 critical systems that must be ''cured'' before Y2K.

The Russians have not yet determined if they have a similar problem, not to mention they have not commenced the process of attempting to fix it.

It is in our interests to work with Russia to help them identify the scope of their Y2K problem and to remedy it.

It would be detrimental in the extreme to our interests if the Russians awoke on the morning of January 1, 2000, with blank screens on their early warning radars and command and control systems. What could be even worse is if their critical systems continue to operate with false and corrupted information. It is in both U.S. and Russian interests for us to have the highest level of confidence in our command and control systems and to build confidence through transparency and other cooperative measures.

Another area that presents opportunity for sustained outreach to Russia is interparliamentary cooperation. Each member of Congress, regardless of their feelings on NATO enlargement, should make an effort to reach out to our counterparts in Russia to foster greater trust and cooperation.

During the Cold War, intermittent attention was paid to interparliamentary relations. Unfortunately, since 1989, Russians believe that U.S. interest in such contacts has dwindled.

Some efforts at interparliamentary cooperation are underway. I will mention two of them. The Aspen Institute has held yearly meetings since 1994 that bring together U.S. and Russian parliamentarians. Speaker GINGRICH has established an initiative, under the direction of Congressman CURT WELDON, to reach out to the Russian Duma. But more should be done. Because of its responsibility to provide advice and consent on treaties, the Senate has a special responsibility to play a role in this effort.

We can be instrumental in creating an environment in which the Russian Duma will seek to cooperate with the United States. In fact, the commission on America's National Interests spoke of ''direct contact—engaging Russia in ways that demonstrate the benefits on nonaggressive behavior,'' as one of the principal ways that we can promote a benign Russian foreign policy. These types of contacts will also serve to strengthen Russian democracy. All of these are very much in the United States national interest.

While I supported NATO expansion, I was concerned that the Senate entered into the debate after the United States had already committed to expanding the alliance.

The vote for NATO expansion in the Senate was bipartisan, but in my judgment that support was not very deep. Many senators, including myself, felt we were too deeply committed to reject expansion, calculating that the cost of non-action at this point would be greater than the risk of action.

Preventing a repetition of this if and when there is to be additional expansion of the alliance is critical. A serious dialogue must involve Congress, the White House, and the American people, and must take place before commitments are made.

An example of this was the structured consultations that took place between a Congress which was shifting in terms of its partisan leadership and a Democratic President immediately following the end of the Second World War.

In fact, Senator Tom Connelly and Arthur Vandenburg, the Chairman and Ranking Member of the Senate Foreign Relations Committee, were personally involved in negotiating many of the post-war treaties, spending much of 1946, for instance, not in the Senate Chambers but overseas involved in the detailed negotiations of what was to become the framework of our cold war strategy.

President Truman used these close consultations to build a bipartisan consensus that led, among other things, to the establishment of the North Atlantic Treaty Organization in 1949, and the strong vote of support which that treaty received from the U.S. Senate.

Divided government raises the level of partisanship on domestic issues. As a nation, we cannot accept similar destabilization of our international values, goals, and responsibilities.

It will be on our ability to meet those challenges that the ultimate test of the wisdom of our vote to expand the North Atlantic Treaty Organization will be predicated.

Thank you, Mr. President.

140TH ANNIVERSARY OF THE ADMISSION OF THE STATE OF MINNESOTA INTO THE UNITED STATES OF AMERICA

Mr. GRAMS. Mr. President, I rise today to recognize and to help celebrate the 140th anniversary of Minnesota's admission into the United States of America. Let me begin, Mr. President, by quoting James Hill, founder of the Great Northern Railroad and one of Minnesota's true pioneers. It is said that Mr. Hill proclaimed his reasons for living and working in Minnesota by saying, ''You can't interest me in any proposition in any place where it doesn't snow.''

Well, Minnesota has never had a shortage of snow, which—depending on who you ask and just how many months the winter has lingered—is considered either a blessing or a curse. But even Mr. Hill recognized that snow is just one of Minnesota's many riches. Ever since word began to spread last century about a northern land of promise and prosperity, a land with abundant natural resources and indescribable beauty, people have traveled to Minnesota to live, work, and prosper. And during its 140 years of statehood, Minnesota has produced some of the country's best and brightest, making it a world leader in agriculture, technology, medicine, and business.

Along the way, Minnesotans have endured cold winters, hot summers, floods, tornadoes, and any other natural disaster Mother Nature has thrown their way.

At no time has the resolve of our people been more tested than with the natural disasters that have plagued our state during the last year. Last spring, the people of northwestern Minnesota were hit with the worst flooding in our state's history. Earlier this spring, the residents of south-central Minnesota lived through one of the largest tornadoes ever to hit our state. Yet, in both cases, Minnesotans worked together to rebuild and recover, and Minnesota is stronger for their efforts. Strangers have labeled that willingness to step forward and help one another as ''Minnesota Nice.'' We think that is just the way things ought to be.

Throughout our history, Minnesotans have understood the importance of family, hard work, and personal responsibility. It is not just talk—they live it. Growing up on a Minnesota dairy farm in a small farming community, I saw those strengths firsthand. I saw how these qualities help make Minnesota one of the world's premiere food producers.

Farming and farm-related businesses play a critical role in our state; one of every four Minnesota jobs is tied in some way to agriculture, and 25% of our economy is dependent upon farmers and agri-business. In 1996, Minnesota was ranked 15th in the country in agriculture exports to Asia.

Minnesota's world leadership is not limited only to agriculture. Our state is home to some of the world's leading job providers—including 3M, Pillsbury, Honeywell, Cargill, and a list far too long to mention here. Minnesota is also known for its achievements in the area of health care. It is a leader in the medical device industry and home to one of the world's premiere health care facilities, the Mayo Clinic in Rochester.

The commitment of Minnesotans to hard work and to producing some of the best products in the world has made Minnesota an active participant not only in the nation's economy, but in the world economy as well.

Minnesotans have long understood the importance of America's role within the international community. Our residents have had the insight to understand that we do not live in a vacuum . . . that our economic prosperity depends on our ability to trade freely with the rest of the world. This point was highlighted during a meeting I had last month with farmers in Crookston, Minnesota. Although they asked questions about issues here at home, many of their questions were about IMF, free trade, and the Asian financial crisis. Our farmers and other business people know that what happens in Asia or Europe today can affect business in America and Minnesota tomorrow.

One Minnesotan who has helped to shape our leadership role on international issues is former Governor Harold Stassen. Governor Stassen helped to write the charter for the United Nations and at age 91 continues to be an outspoken proponent of free and open relations with the rest of the world.

This coming weekend, Minnesota's international tradition will continue when Secretary General of the United Nations Kofi Annan comes to Minnesota to tour the Center for Victims of Torture. Many may be surprised to hear that the Secretary General attended college in Minnesota, at Macalester College in Saint Paul.

For the last few minutes, I have been speaking here on the floor, with great pride, about my home state. To some, I am sure it sounds a bit like bragging. But on this day, 140 years after Minnesota became the 32nd State admitted to the Union, I want to express the honor I feel in representing the people of Minnesota in the U.S. Senate—for Minnesota is one of the premier states in the greatest country on Earth.

I want to end today with the sentence used by Minnesota author and radio personality Garrison Keillor to describe the fictitious town of Lake Woebegone, Minnesota . . . . because I think it can be applied to all of Minnesota. I am proud to hail from a state ''where all the women are strong, the men are good looking, and the children are above average.''

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business Friday, May 8, 1998, the federal debt stood at $5,485,869,171,398.56 (Five trillion, four hundred eighty-five billion, eight hundred sixty-nine million, one hundred seventy-one thousand, three hundred ninety-eight dollars and fifty-six cents).

One year ago, May 8, 1997, the federal debt stood at $5,330,417,000,000 (Five trillion, three hundred thirty billion, four hundred seventeen million).

Twenty-five years ago, May 8, 1973, the federal debt stood at $452,712,000,000 (Four hundred fifty-two billion, seven hundred twelve million) which reflects a debt increase of more than $5 trillion—$5,033,157,171,398.56 (Five trillion, thirty-three billion, one hundred fifty-seven million, one hundred seventy-one thousand, three hundred ninety-eight dollars and fifty-six cents) during the past 25 years.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT ENTITLED ''CLASS-SIZE REDUCTION AND TEACHER QUALITY ACT OF 1998''—MESSAGE FROM THE PRESIDENT—PM 123

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Labor and Human Resources.

To the Congress of the United States:

I am pleased to transmit today for your immediate consideration and enactment the ''Class-Size Reduction and Teacher Quality Act of 1998.'' This legislative proposal would help States and local school districts recruit, train, and hire 100,000 additional well-prepared teachers in order to reduce the average class size to 18 in grades 1 through 3 in our Nation's public schools. It is an essential part of our overall effort to strengthen public schools throughout the Nation.

As schools across the Nation struggle to accommodate a surge in enrollments, educators and parents have become increasingly concerned about the impact of class size on teaching and learning, particularly in the critically important early grades, where students learn reading and other basic skills. This concern is justified: rigorous research confirms what parents and teachers have long believed—that students in smaller classes, especially in the early grades, make greater educational gains and maintain those gains over time. These gains occur because teachers in small classes can provide students with more individualized attention, spend more time on instruction and less time on discipline, and cover more material effectively. Moreover, the benefits of smaller classes are greatest for poor, minority, and inner-city children, the children who often face the greatest challenges in meeting high educational standards.

Smaller classes will have the greatest impact on student learning if the new teachers brought into the classroom are well qualified to teach reading and to take advantage of smaller learning environments. For this reason, my proposal emphasizes not just class-size reduction but also professional development for educators, and it will give school districts adequate time to recruit and train staff while phasing in smaller classes. Furthermore, all new teachers hired under the program would be required to pass a State teacher competency test and would also have to be certified to teach or be making satisfactory progress toward full certification.

We can help all of our students learn to read independently and well by the third grade, get a solid foundation in basic skills, and reach high educational standards if we start them off with small classes and well-prepared teachers in the early grades.

Under my proposal, the Department of Education would provide $20.8 billion in mandatory appropriations over a 10-year period (beginning with $1.1 billion in fiscal year 1999) to States. The States would then distribute the funds to local school districts based on their relative class sizes in grades 1 through 3, as well as on their ability and effort to finance class-size reductions with their own resources. The bill would provide States with considerable flexibility in distributing these funds, while ensuring that the most needy school districts receive a fair share.

Moreover, because my proposal would actually appropriate the funds needed to carry out the program, States and local communities could count on these funds without the need for separate congressional appropriations each year. This proposal is fully paid for within my Fiscal Year 1999 Budget, and therefore would not reduce the budget surplus.

School districts would use these funds to reduce class sizes in grades 1 through 3. Just as importantly, these funds would also be available for a variety of activities to ensure that students in the early grades receive sound and effective instruction, such as making sure that teachers know how to teach reading and other subjects effectively in small classes.

This proposal includes strong accountability for results. Participating school districts would produce ''report cards'' documenting reductions in class sizes and the achievement of their students in reading, based on rigorous assessments. Schools whose students fail to make gains in reading would be required to undertake corrective actions. In addition, the Department of Education would undertake a comprehensive national evaluation of this program and its impact on reading achievement and teaching.

I urge the Congress to take prompt and favorable action on this proposal. Its enactment would help school districts reduce class sizes in the early grades and improve instruction and achievement in reading, issues that are of major importance to parents and to the Nation.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *May 8, 1998.*

REPORT CONCERNING THE ANNUAL REPORT OF THE NATIONAL INSTITUTE OF BUILDING SCIENCES FOR FISCAL YEAR 1996—MESSAGE FROM THE PRESIDENT—PM 124

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs.

To the Congress of the United States:

In accordance with the requirements of section 809 of the Housing and Community Development Act of 1974, as amended (12 U.S.C. 1701j–2(j)), I transmit herewith the annual report of the National Institute of Building Sciences for fiscal year 1996.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *May 11, 1998.*

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on, May 8, 1998, he presented to the President of the United States the following enrolled bill:

S. 1502. An act entitled the ''District of Columbia Student Opportunity Scholarship Act of 1998.''

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–4838. A communication from the Director of the Office of Regulatory Management and Information, U.S. Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Hazardous Waste Management System; Identification and Listing of Hazardous Waste; Recycled Used Oil Management Standards'' (FRL–5969–4) received on April 27, 1998; to the Committee on Environment and Public Works.

EC–4839. A communication from the Director of the Office of Regulatory Management and Information, U.S. Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans; New York State Implementation Plan Revision'' received on May 1, 1998: to the Committee on Environment and Public Works.

EC–4840. A communication from the Director of the Office of Regulatory Management and Information, U.S. Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''National Emission Standards for Hazardous Air Pollutants for Source Category: Pulp and Paper Production; Effluent Limitations Guidelines, Pretreatment Standards, and New Source Performance Standards: Pulp, Paper, and Paperboard Category'' (FRL5924–8) received on April 15, 1998: to the Committee on Environment and Public Works.

EC–4841. A communication from the Director of the Office of Regulatory Management and Information, U.S. Environmental Protection Agency, transmitting, pursuant to law, the report of seven rules regarding acid rain, herbicide residues, pesticide ingredients, fungicide residues, vehicle inspection, halogenated solvents and emissions reduction (FRL6006–2, FRL5788–1, FRL5787–9, FRL5788–5, FRL6007–3, FRL6007–5, FRL6004–5) received on April 29, 1998; to the Committee on Environment and Public Works.

EC–4842. A communication from the Director of the Office of Regulatory Management and Information, U.S. Environmental Protection Agency, transmitting, pursuant to law, the report of four rules regarding the clean fuel fleet program, Clean Air Act implementation plans, gaseous fueled vehicles and engines, and bioaccumulative chemicals (FRL5994–5, FRL5979–4, FRL5999–7, FRL5999–8) received on April 16, 1998; to the Committee on Environment and Public Works.

EC–4843. A communication from the Director of the Office of Regulatory Management

and Information, U.S. Environmental Protection Agency, transmitting, pursuant to law, the report of five rules regarding air quality, fungicide tolerances and pesticide tolerances (FRL5996–5, FRL5998–3, FRL5996–4, FRL5783–5, FRL5782–1) received on April 16, 1998; to the Committee on Environment and Public Works.

EC–4844. A communication from the Director of the Office of Regulatory Management and Information, U.S. Environmental Protection Agency, transmitting, pursuant to law, the report of four rules regarding Right-to-Know chemicals, Clean Air Act implementation plans, landfill gas emmisions and grants to Indian Tribes for water pollution control (FRL5785–5, FRL6001–2, FRL6003–2) received on April 21, 1998; to the Committee on Environment and Public Works.

EC–4845. A communication from the Director of the Office of Regulatory Management and Information, U.S. Environmental Protection Agency, transmitting, pursuant to law, the report of two rules regarding Right-to-Know chemicals and air quality implementation plans (FRL5785–5, FRL5998–1) received on April 21, 1998; to the Committee on Environment and Public Works.

EC–4846. A communication from the Director of the Office of Regulatory Management and Information, U.S. Environmental Protection Agency, transmitting, pursuant to law, the report of two rules regarding landfill gas emissions in Iowa and Nebraska (FRL6662–4, FRL6002–8) received on April 21, 1998; to the Committee on Environment and Public Works.

EC–4847. A communication from the Director of the Office of Regulatory Management and Information, U.S. Environmental Protection Agency, transmitting, pursuant to law, the report of twenty-five rules including a rule entitled ''Technical Amendments to OMB Control Numbers'' (FRL–5724–3, FRL–5670–1, FRL–5807–2, FRL–5833–6, FRL–5835–9, FRL–5728–8, FRL–5847–9, FRL–5980–9, FRL–5983–2, FRL–5982–7, FRL–5983–5, FRL–5980–8, FRL–5982–1, FRL–5981–8, FRL–5987–9, FRL–5982–6, FRL–5983–6, FRL–5982–3, FRL–5983–1, FRL–5983–3, FRL–5982–2, FRL–5982–9, FRL–5982–4, FRL–5981–2, FRL–5981–6) received on April 23, 1998; to the Committee on Environment and Public Works.

EC–4848. A communication from the Director of the Office of Regulatory Management and Information, U.S. Environmental Protection Agency, transmitting, pursuant to law, the report of five rules regarding herbicide tolerances, drinking water, hazardous waste management, organobromide wastes, and insecticide residues (FRL–5796–9, FRL–6003–5, FRL–5988–2, FRL–5999–9, FRL–5784–7) received on April 23, 1998; to the Committee on Environment and Public Works.

EC–4849. A communication from the Director of the Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule to list one California plant, pallid manzanita, as threatened under the Endangered Species Act (RIN1018–AD35) received on April 21, 1998; to the Committee on Environment and Public Works.

EC–4850. A communication from the Acting Inspector General, U.S. Environmental Protection Agency, transmitting, pursuant to law, the annual Superfund report for fiscal year 1998; to the Committee on Environment and Public Works.

EC–4851. A communication from the Administrator of the U.S. Environmental Protection Agency, transmitting, pursuant to law, a determination and findings regarding a contract for the design and management of independant evaluations of recent EPA initiatives; to the Committee on Environment and Public Works.

EC–4852. A communication from the Administrator of the U.S. Environmental Protection Agency, transmitting, pursuant to law, a report entitled ''Status of the State Small Buisness Stationary Source Technical and Environmental Compliance Assistance Program''; to the Committee on Environment and Public Works.

EC–4853. A communication from the Secretary of Transportation, transmitting, a draft of proposed legislation regarding transportation grants to improve international border crossings and major trade corridors; to the Committee on Environment and Public Works.

EC–4854. A communication from the Director of the Office of Rulemaking Coordination, Department of Energy, transmitting, pursuant to law, the report of an administrative directive regarding the establishment of requirements related to nuclear safety design, criticality safety, fire protection and natural phenomena hazards mitigation at DOE facilities received on April 21, 1998; to the Committee on Environment and Public Works.

EC–4855. A communication from the General Counsel of the Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled ''Disaster Assistance; Public Assistance Program Appeals; Hazard Mitigation Grant Program Appeals'' (RIN3067–AC67) received on April 20, 1998; to the Committee on Environment and Public Works.

EC–4856. A communication from the Acting Assistant Secretary of the Army for Civil Works, transmitting, a draft of proposed legislation entitled ''Water Resources Development Act''; to the Committee on Environment and Public Works.

EC–4857. A communication from the Acting Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting, a draft of proposed legislation to make technical changes to laws governing the National Wildlife Refuge System; to the Committee on Environment and Public Works.

EC–4858. A communication from the Acting Assistant Attorney General, Office of Legislative Affairs, U.S. Department of Justice, transmitting, a draft of proposed legislation entitled, ''The International Anti-Bribery Act of 1998''; to the Committee on Banking, Housing, and Urban Affairs.

EC–4859. A communicaton from the Chairman of the Federal Energy Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled ''Standards for Business Practices of Interstate Natural Gas Pipelines'' (Docket RM96–1–007) received on May 6,1998; to the Committee on Energy and Natural Resources.

EC–4860. A communication from the Director of the Office of Surface Mining Reclamation and Enforcement, Department of the Interior, transmitting, pursuant to law, the report of a rule amending the Louisiana regulatory program under the Surface Mining Control and Reclamation Act of 1977 received on May 5, 1998; to the Committee on Energy and Natural Resources.

EC–4861. A communication from the AMD-Performance Evaluation and Records Management, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''In the Matter of Amendment of Section 73.202(b) of the Commission's Rules, Table of Allotments, FM Broadcast Stations (Indian Springs, Nevada, Mountain Pass, California, Kingman, Arizona, and St. George, Utah)'' received on May 6, 1998; to the Committee on Commerce, Science, and Transportation.

EC–4862. A communication from the AMD-Performance Evaluation and Records Management, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''In the Matter of Amendment of Section 73.202(b) of the Commission's Rules, Table of Allotments, FM Broadcast Stations (Ashdown and DeQueen, Arkansas)'' received on May 6, 1998; to the Committee on Commerce, Science, and Transportation.

EC–4863. A communication from the AMD-Performance Evaluation and Records Management, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''In the Matter of Amendment of Section 73.202(b) of the Commission's Rules, Table of Allotments, FM Broadcast Stations (Perry, Florida)'' received on May 6, 1998; to the Committee on Commerce, Science, and Transportation.

EC–4864. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting the report of the texts of international agreements, other than treaties, and background statements; to the Committee on Foreign Relations.

EC–4865. A communication from the Director of the Office of Regulatory Management and Information, U.S. Environmental Protection Agency, transmitting, pursuant to law, the report of four rules regarding air quality implementation plans in Pennsylvania and Oregon and antimicrobial pesticides (FRL6009–3, FRL5976–5, FRL5789–3, FRL5789–4) received on May 6, 1998; to the Committee on Environment and Public Works.

EC–4866. A communication from the Director of the Office of Regulatory Management and Information, U.S. Environmental Protection Agency, transmitting, pursuant to law, the report of four rules regarding pesticide and herbicide residues, air quality implementation plans in Oregon, and dry cleaning facility emissions in California (FRL5788–2, FRL5787–4, FRL6006–8, FRL6001–3) received on May 6, 1998; to the Committee on Environment and Public Works.

EC–4867. A communication from the Nuclear Regulatory Commission, transmitting, pursuant to law, the report on abnormal occurrences at nuclear facilities for fiscal year 1997; to the Committee on Environment and Public Works.

EC–4868. A communication from the Commissioner of Social Security, Social Security Administration, transmitting, a draft of proposed legislation entitled ''The Supplemental Security Income Program Integrity Act of 1998''; to the Committee on Finance.

EC–4869. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Weighted Average Interest Rate Update'' (Notice 98–26) received on May 6, 1998; to the Committee on Finance.

EC–4870. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Renewable Electricity Production Credit, Publication of Inflation Adjustment Factor and Reference Prices for Calendar Year 1998'' (Notice 98–27) received on May 5, 1998; to the Committee on Finance.

EC–4871. A communication from the Executive Director of the Federal Labor Relations Authority, transmitting, pursuant to law, the report under the Government in the Sunshine Act for calendar year 1997; to the Committee on Governmental Affairs.

EC–4872. A communication from the Interim District of Columbia Auditor, Office of the District of Columbia Auditor, transmitting, pursuant to law, a report entitled ''Audit of the People's Counsel Agency Fund for Fiscal Years 1995 and 1996''; to the Committee on Governmental Affairs.

EC–4873. A communication from the Secretary of Defense, transmitting, pursuant to law, a report entitled ''Report on the Capacitor and Resistor Industry''; to the Committee on Armed Services.

EC–4874. A communication from the Acting Assistant General Counsel for Regulations, Department of Education, transmitting, pursuant to law, the report of a rule entitled, ''Notice of Final Funding Priorities for Fiscal Years 1998–1999 for Certain Centers and Projects'' received on May 6, 1998; to the Committee on Labor and Human Resources.

EC–4875. A communication from the Director of Regulations Policy and Management Staff, Office of Policy, Food and Drug Administration, transmitting, pursuant to law, the report of a rule entitled ''Radiology Devices; Classifications for Five Medical Image Management Devices'' (Docket 96N–0320) received on May 6, 1998; to the Committee on Labor and Human Resources.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. HATCH, from the Committee on the Judiciary:

Report to accompany the bill (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 and for other purposes (Rept. No. 105–186).

By Mr. THOMPSON, from the Committee on Governmental Affairs, with amendments:

S. 1364: A bill to eliminate unnecessary and wasteful Federal reports (Rept. No. 105–187).

By Mr. THOMPSON, from the Committee on Governmental Affairs, with an amendment in the nature of a substitute:

S. 981: A bill to provide for analysis of major rules (Rept. No. 105–188).

By Mr. THURMOND, from the Committee on Armed Services, without amendment:

S. 2060. An original bill to authorize appropriations for fiscal year 1999 for military activities of the Department of Defense, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes (Rept. No. 105–189).

By Mr. HATCH, from the Committee on the Judiciary: Report to accompany the bill (S. 2037) to amend title 17, United States Code, to implement the WIPO Copyright Treaty and the WIPO Performances and Phonograms Treaty, to provide limitations on copyright liability relating to material online, and for other purposes (Rept. No. 105–190).

By Mr. THURMOND, from the Committee on Armed Services, without amendment:

S. 2057: An original bill to authorize appropriations for the fiscal year 1999 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

S. 2058. An original bill to authorize appropriations for fiscal year 1999 for defense activities of the Department of Energy, and for other purposes.

S. 2059. An original bill to authorize appropriations for the fiscal year 1999 for military construction, and for other purposes.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. THURMOND:

S. 2057. An original bill to authorize appropriations for the fiscal year 1999 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; from the Committee on Armed Services; placed on the calendar.

S. 2058. An original bill to authorize appropriations for fiscal year 1999 for defense activities of the Department of Energy, and for other purposes; from the Committee on Armed Services; placed on the calendar.

S. 2059. An original bill to authorize appropriations for the fiscal year 1999 for military construction, and for other purposes; from the Committee on Armed Services; placed on the calendar.

S. 2060. An original bill to authorize appropriations for fiscal year 1999 for military activities of the Department of Defense, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; from the Committee on Armed Services; placed on the calendar.

By Mr. GRAHAM (for himself, Mr. CHAFEE, Mr. JOHNSON, Mr. HARKIN, and Mr. GRASSLEY):

S. 2061. A bill to amend title XIX of the Social Security Act to prohibit transfers or discharges of residents of nursing facilities; to the Committee on Finance.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. GRAHAM (for himself, Mr. CHAFEE, Mr. JOHNSON, Mr. HARKIN, and Mr. GRASSLEY):

S. 2061. A bill to amend title XIX of the Social Security Act to prohibit transfers or discharges of residents of nursing facilities; to the Committee on Finance.

NURSING HOME PATIENT PROTECTION ACT

Mr. GRAHAM. Mr. President, along with Senators CHAFEE, JOHNSON, GRASSLEY, and HARKIN, I will be introducing today the Nursing Home Patient Protection Act. This is legislation to protect our Nation's seniors from indiscriminate patient dumping from nursing homes.

Approximately one month ago, it looked like 93-year-old Adela Mongiovi might have to spend her 61st Mother's Day away from the assisted living facility that she had called home for the last four years.

At least that's what her son Nelson and daughter-in-law Gina feared when officials at the Rehabilitation and Health Care Center of Tampa told them that their Alzheimer's disease-afflicted mother would have to be relocated so that the nursing home could complete ''renovations.''

As the Mongiovis told me when I met with them and visited their mother in Tampa last month, the real story far exceeded their worst fears. The supposedly temporary relocation was actually a permanent eviction—a permanent eviction of all 52 residents whose housing and care were paid for by the Medicaid program.

The nursing home chain that owns the Tampa facility, and several others across the United States, wanted to purge its nursing homes of Medicaid residents, ostensibly to take more private insurance payers and Medicare beneficiaries, which pay more per resident.

While this may have been a good financial decision in the short run, its effects on our Nation's senior citizens, if practiced on a widespread basis, would be nothing short of disastrous.

In an April 7, 1998, Wall Street Journal article, several nursing home executives argued that State governments and Congress are to blame for these evictions because they have set Medicaid reimbursement rates too low.

While Medicaid reimbursements to nursing homes may need to be revisited, playing Russian roulette with elderly patients' lives is hardly the way to send that message to Congress or to state legislatures. While I am willing to engage in a discussion as to the equity of nursing home reimbursement rates, I and my colleagues are not willing to allow nursing homes to dump patients indiscriminately.

The fact that some nursing home companies are willing to sacrifice elderly Americans for the sake of their own economic bottom line is bad enough. What is even worse is their attempt to evade blame for Medicaid evictions.

The starkest evidence of this shirking of responsibility is found in the shell game many companies play to justify evictions. Current law allows nursing homes to discharge patients for—among other reasons—inability to pay.

If a facility decreases its number of Medicaid beds, the State and Federal governments are no longer authorized to pay the affected residents' nursing home bills. The nursing home can then conveniently, and unceremoniously, dump its former Medicaid patients for—you guessed it—their inability to pay.

Evictions of nursing home residents have a devastating effect on the health and well-being of some of society's most vulnerable members.

A recent University of Southern California study indicated that those who are uprooted from their homes undergo a phenomenon known as ''transfer trauma.'' For these seniors, the consequences of transfer trauma are stark. The death rate among seniors is 2 to 3 times higher than for individuals who receive continuous care.

Those of us who believe that our mothers, fathers, and grandparents are safe because Medicaid affects only low-income Americans, we need to think again.

A three-year stay in a nursing home can cost upwards of $125,000. As a result of this extreme cost, nearly half of all nursing home residents who enter as private-paying patients exhaust their personal savings, lose their health insurance coverage during their stay, and become Medicaid beneficiaries. Medicaid is, for most retirees, the last refuge of financial support.

On April 10, the Florida Medicaid Bureau responded to evidence of Medicaid

dumping in Tampa by levying a steep $260,000 fine against the Tampa nursing home. That was strong and appropriate action, but it was only a partial solution. Medicaid funding is a shared responsibility—shared between the States and the Federal Government.

While the most egregious incident occurred in Florida, Medicaid dumping is not the problem of a single State. While nursing homes were once locally run and family-owned, they are increasingly administered by multi-State, multi-facility corporations that have the power to affect seniors across the United States.

Mr. President, let me also point out that the large majority of nursing homes in America treat their residents well, and they are responsible community citizens. Our bill is designed solely to prevent potential future abuses by the bad actors.

This bill is simple and fair. It would prohibit current Medicaid beneficiaries, or those who ''spend down'' to Medicaid from being evicted from their homes. That is a crucial point, Mr. President.

Adela Mongiovi is not just a ''beneficiary''; she is a mother and she is a grandmother. And to Adela Mongiovi, the Rehabilitation and Health Care Center of Tampa is not an ''assisted living facility.'' To Adela Mongiovi, it is home.

This is the place where she wants, and deserves—like all seniors—to live the rest of her life with the security of knowing that she will not be evicted. Through the passage of this bill, we can provide that security to Adela Mongiovi and to all of our Nation's seniors.

Mr. President, I ask unanimous consent that the article to which I referred from the April 7, 1998, Wall Street Journal be printed in the RECORD.

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

[From the Wall Street Journal, Apr. 7, 1998]

FOR MEDICAID PATIENTS, DOORS SLAM CLOSED

(By Michael Moss and Chris Adams)

INDIANAPOLIS—On Monday, Jan. 26, right after lunch, Betty Nelson and dozens of other residents of Wildwood Health Care Center were brought into the activity room and told they were being evicted.

Rumors about an impending change had circulated at the nursing home for weeks, but the news delivered on this wintry day stunned the elderly patients as they stood at their walkers or sat in their wheelchairs. The facility was ending its relationship with Medicaid, the state-run health subsidy for the poor. Nearly 60 of its 150 residents would have to find new places to live.

Most had worked all of their lives, and many had started out paying their own way at Wildwood, which charged them $3,000 or more a month. But eventually they had run through their savings and had turned to Medicaid to help pay their bills.

There among the crowd were 88-year-old Della Arthur, a glove maker who later served nearly two decades as a Red Cross volunteer; 73-year-old Art Biech, a former postal carrier who handed out Wildwood's mail; and Gregory Dale, a retired pipe fitter with Ford Motor Co. who would turn 90 in two weeks. Some of the residents wept. Others, suffering from dementia, couldn't comprehend what was being said. Mrs. Nelson, who is 72, understood; as the news sank in, she cried out from her wheelchair, ''You're kicking us out because we don't have enough money.''

Wildwood is among the many nursing homes nationwide that Vencor Inc. is emptying of Medicaid recipients. A publicly traded company based in Louisville, Ky., Vencor ran hospitals before buying a 310-facility nursing-home chain three years ago, to become the nation's fourth largest nursing-home chain. It says it now wants to attract wealthier patients who can afford the higher levels of medical care it plans to provide.

Vencor also says it fears that a growing number of successful lawsuits against nursing-home owners will hold the company to ever-higher standards of care that it can't sustain under Medicaid rates. In Florida, where the state attorney general has retained outside counsel to build a sweeping Medicaid fraud and abuse case against the entire industry, Vencor says it might withdraw all 21 of its homes from Medicaid as a defensive move.

Overall, the company, which hasn't previously detailed its plans publicly, says it has withdrawn or begun withdrawing 13 homes in nine states from Medicaid. It says another 25 homes are candidates to be withdrawn because they are in cities where Vencor wants to link long-term hospitals it already owns with specialized nursing homes aimed at higher-paying patients. Vencor may eventually open 90 non-Medicaid, specialized nursing homes, many of them built from scratch, the rest transformed from existing Medicaid facilities.

In addition, the company says it is doing all it can to maximize the number of non-Medicaid patients coming through its doors—something it regularly trumpets to Wall Street. In nearly all circumstances, a Vencor nursing home with an empty bed will turn a Medicaid resident away in the hopes that a private patient will soon come along and take the space.

''We'll go out of Medicaid in all 300 buildings if we don't start to see a little change in the Medicaid program,'' says Michael Barr, Vencor's chief operating officer. He says Vencor is losing money on its Medicaid patients—a standard complaint by nursing-home owners. States say they cover all ''reasonable'' costs and contend that homes can make a profit from Medicaid.

Relinquishing the reliable income of Medicaid—which at least ensures that few beds remain empty—is a gamble. But with big public companies racing into the nursing-home industry and pursuing more aggressive pricing strategies, many other companies also are targeting the higher end of the market. And industry analysts predict that some may follow Vencor's lead in jettisoning Medicaid recipients.

Only a few states, including California and Tennessee, currently bar mass evictions. These states instead require companies seeking to withdraw from Medicaid to wait until patients die or choose to leave. Nearly all other states leave the matter entirely up to the nursing-home owner's discretion.

Economics aside, evicting old people can create hard feelings in the community, as Vencor learned at Wildwood. There, little assistance or planning preceded the eviction notice to the residents. Many families were informed only after the residents were told. Management also kept the news secret from most staff members, many of whom were distraught as weeping residents wheeled or walked from the room after the brief eviction meeting. ''It just broke my heart,'' says Valerie Lynch, a former activities assistant who says she was prompted by the evictions to find a new job.

Panic spread in the next few days as waiting lists sprang up at other homes in the Indianapolis area. Even those who found comparable surroundings say they suffered disorientation and the pain of losing their closest friends. Many blamed themselves, including the pipe fitter, Mr. Dale, whose family waited until two days after his 90th birthday on Feb. 11 to move him out. ''Dad felt he had done something wrong,'' says his daughter, Jackie Vukovits. ''The day we took him, he kept saying, 'Why do I have to leave here. They were good to me.'''

Mr. Dale had just made the Wildwood newsletter, his name ringed in stars. the write-up ended: ''Greg, we are very happy you chose to live at Wildwood. Congratulations on being chosen Resident of the Month.

Vencor officials stand by their decision to evict Wildwood's Medicaid residents but say they have come to realize that mistakes were made. ''We really are doing this for what I consider to be the right reasons. Our goal is to turn this into the best medical nursing facility in that market,'' says Mr. Barr. ''In hindsight, we probably could have done a better job of notifying residents and families.'' Mr. Barr says he decided last week to send company vice presidents to oversee all forthcoming evictions.

After meeting yesterday with Mr. Barr, local advocates for the elderly and some former residents said they would seek to ''increase the pressure'' on Vencor, possibly through picketing and by seeking legislation to prohibit evictions. ''If Vencor is allowed to get away with this, it opens the floodgates not only for Vencor but other nursing-home chains in this country,'' says Michelle Niemier, deputy director of United Senior Action, a statewide senior advocacy organization.

The changes were particularly wrenching, residents and staff say, because Wildwood—founded by a local concern in 1988—had a reputation as one of the city's best homes and had remained nearly full in a state with below-average nursing-home occupancies. The residents were a close-knit group, having decided this was where they would live the rest of their lives. One year, residents sold crafts to pay for a gazebo.

Last summer, two years after it purchased the facility, Vencor hired Edward Hastings to run it. A 16-year veteran of nursing-home administration, Mr. Hastings had been a regional administrator for a nursing-home chain and then worked as a consultant for the state of Indiana, monitoring nursing homes that failed their health-care inspections.

In November, only weeks before the eviction announcement, Wildwood residents were cheered by a makeover of the facility: fresh paint, new floor tiles, sleek name plates for residents' doors. Then gossip spread that this fresh look was not meant to benefit everyone. It was left to Mr. Hastings to break the news.

While a handful of nursing homes in some states have always made do without Medicaid residents, the vast majority of nursing homes nationwide have come to rely on the government program for a good chunk of their revenue. Medicaid recipients play a big role in keeping a facility's census up. Even if the reimbursement is much lower than the private rate, it is usually perceived by owners as superior to empty beds.

''It's highly unusual to pull out of Medicaid,'' says Lori Owen Smetanka, an attorney for the National Citizens' Coalition for Nursing Home Reform, an advocacy group in Washington, D.C. Even in Kentucky, Vencor's home state, state Cabinet for Health Services spokeswomen Barbara Hadley Smith says nursing homes ''are fighting

to get into Medicaid.'' Vencor has one Kentucky home, Hermitage Nursing and Rehabilitation Center in Owensboro, that is now in the process of moving its Medicaid residents out.

A review of U.S. Health Care Financing Administration records shows that 127 homes officially pulled out of the Medicaid program in the past two years—nearly all because they closed their doors entirely, merged with other homes or were threatened with termination because of low quality. Only one home indicated to federal officials that it pulled out of Medicaid because of ''dissatisfaction with reimbursement.''

But it is likely to happen more. In addition to Vencor, other nursing home operators, both large and small, are weighing whether to opt out of their state's Medicaid programs. Dick Richardson, chief executive officer of Renaissance Healthcare Corp., says his nursing home in Holyoke, Mass., dropped out of Medicaid last year due to low reimbursement.

Mr. Richardson says the relatively small home would lose money if it filled all 61 beds with Medicaid residents. So he evicted his Medicaid residents, dropping the census to five non-Medicaid people. He now has 20 private-pay and Medicare patients and says the home will break even at about 32 private patients. ''I know there are going to be other homes up here that do the same,'' he says. ''It's unfortunate for Medicaid patients, but for business it might be good.''

Vencor, too, contends that it loses money on Medicaid, which, at Wildwood, pays it $82 a day for providing the same intermediate level of care for which private patients are charged $125. But Vencor's average daily take from Medicaid has increased 16% at Wildwood since 1995. And two months ago, the state, sued by Indiana's nursing-home trade group, said it would build a new rate system allowing for more generous payments for sicker patients.

Even with the current Medicaid plan, Wildwood as a whole had an operating profit of $797,410 on revenue of $7.5 million in its most recent fiscal year, its filing to the state shows. That 10.7% margin is higher than the average for nursing homes in Indiana and nationwide. According to H-CIA Inc., a Baltimore health-information concern, the national average margin for nursing homes was less than 5% in 1995, the most recent year for which figures are available.

From its base as an operator of specialty long-term hospitals, Vencor rapidly expanded from 1985 to 1995. Its stock, after an initial public offering in 1989, shot up severalfold in a little more than two years. But regulatory changes and competitive pressures have hurt. Three years ago, Vencor's stock stood at $37; yesterday, it closed at $29.50 a share, up 18.75 cents in composite trading on the New York Stock Exchange.

Now it is hoping that higher fees from private patients will help it make a comeback. Wildwood now charges $168 a day for top-level care. And Vencor has ambitions of higher prices still at Wildwood and its other homes.

New federal rules will help: Changes expected May 1 will allow Medicare rates to go as high as $600 a day for the most intensive level of care, industry analysts say.

What complicates the process of phasing out Medicaid patients is the fact that many start out as paying residents and only later switch to Medicaid. Thus, a nursing-home company that bars Medicaid patients at the door could end up dealing with Medicaid eventually.

At Wildwood, Mr. Dale's story offers an example. After breaking his neck in a fall in 1992, he paid a caretaker $7 an hour to watch over him at home. When he entered Wildwood in 1994, Mr. Dale paid his bills with savings, Social Security and a pension. His daughter, Mrs. Vukovits, says the facility led them to believe that it would gladly allow him to shift over to Medicaid when necessary, and he did so, eventually to supplement his dwindling funds. Even so, she says, he continued to cover a large portion of his $80-a-day bill at Wildwood by turning over his Social Security and pension income.

Vencor says it never really considered letting people like Mr. Dale stay on. ''My philosophy is that if you have to do something you're better off to face up to it and do it,'' Vencor's Mr. Barr says. ''This is like having to go through an amputation. If you have to cut your hand off, do you cut it off a finger at a time or just cut your hand off and go on?''

Families of Wildwood residents say they worried most about the difficulties involved in relocation. Three months earlier, Mr. Dale had been moved from Room 400 to Room 303 to accommodate the renovations. ''It doesn't seem like a big move, but it really is,'' says Mrs. Vukovits. ''He went downhill. He fell going to the bathroom. It was a longer distance to the dining room, so he had to start using a wheelchair. He stopped going to activities.''

''He was just getting over that,'' she says, when the evictions were announced.

Mr. Hastings says the evictions were scheduled to occur hallway by hallway over five months. ''We didn't want to shock everybody,'' he says. But when news about waiting lists got around, he says. ''People panicked a little bit and left.''

Joining in the exodus were some residents who still paid the higher private rates but who realized that they, too, might eventually need Medicaid, and Wildwood's occupancy plunged from 150 to 78. Mr. Hastings says it has rebounded into the 90s.

Most who left found homes through their own searching. Many sought help from Kay Mercer, a 62-year-old stroke victim who had been resident council president. ''They followed me here,'' she says at her new home, the Oaks Rehabilitation and Health Care Center, where several Wildwood residents including Mrs. Nelson and Mr. Biech moved. Mr. Dale moved to another home, where he has adjusted to the new view from his window. ''I don't think I bother anybody. I hope,'' he say one warm spring day, eating lunch.

Others didn't fare so well. Two days after Wildwood resident Jane Van Duyn moved into another nursing home, the 57-year-old woman with severe multiple sclerosis slipped into a coma. She died within the week. Her husband, Ed Van Duyn, says he can't blame her death on the move, since she was already quite weak, but he notes that the disease leaves its victims vulnerable to stress and even slight temperature changes. ''Every trauma they get sets them back.'' . . .

Asked about the death, Mr. Barr said, ''We're dealing with old people who are fragile, who already have been moved out of their own home, and are in a different home, and there certainly is absolutely no easy way to deal with displacing them again.''

Residents and families say that a final insult was that they had to pay expenses connected with the eviction, including the $45 telephone reconnection charges. Mr. Van Duyn says Vencor refused even to pay the $200 ambulance fee for moving his wife. Mr. Barr says Vencor would reconsider this decision.

Residents and their families say they were too overwhelmed at first to fight back. But Lou Ann Newman, Mrs. Nelson's daughter, wrote to Vencor and state agencies on Feb. 6 asking for an investigation. ''This matter was handled in a most cold, calloused and unprofessional way,'' she wrote. She says she didn't get a response.

Mr. Hastings, the administrator, who was familiar with Mrs. Newman's letter, says, ''If I was in her position, I'm sure some people thought it was cold and callous because we were throwing them out.''

Vencor's Mr. Barr says a regional official overseeing Wildwood was reprimanded for not responding to the letter. Last week, that official resigned. Mr. Barr adds: ''I don't want to be defensive of a comedy of errors here because it appears that there were some bad judgments made here. And I'm in a situation right now where I'd like to go up and choke the administrator [Mr. Hastings] and pound his head on the floor a couple of times and tell him not to do it again. I don't want him to use the kind of bad manners that it looks like we used here by not thinking through the whole process with these patients.''

On a recent tour of Wildwood, the upbeat Mr. Hastings pointed to the renovations and said, ''What you're seeing is only going to get better.'' Among his ideas, which the company says are preliminary: a day-care center for the elderly, a hospice for patients expected to die within six months and the novel idea of overnight stays for patients who usually live elsewhere. ''With the midnight care, you could drop off your father at dinner and pick him up in the morning,'' Mr. Hastings said. ''We're looking for a niche we could fill.''

In Room 006, Ms. Arthur was waiting to move. Weeks ago, she packed her belongings into six boxes and stacked them in the bathroom. But she has no immediate family, and she says her guardian had been out of town. The adjoining rooms—formerly occupied by her friends, Mrs. Mercer, Mrs. Nelson, Mr. Dale, Mr. Biech—were vacant.

Holding her big white purse, Ms. Arthur sat in a corner beneath the bare walls, and said she didn't know why she had to leave. ''Everyone I've talked to, they've had tears in their eyes. Many here had to go and I miss them so. They were wonderful,'' she says. ''If there was anything I could do to turn it different, I would. I like it here very, very much. It's good. Oh me, why? All these fine buildings and fine furniture. Whatever the cause, I can't figure.''

Mr. GRAHAM. Mr. President, I submit the bill and ask for its immediate referral.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

ADDITIONAL COSPONSORS

S. 263

At the request of Mr. MCCONNELL, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 263, a bill to prohibit the import, export, sale, purchase, possession, transportation, acquisition, and receipt of bear viscera or products that contain or claim to contain bear viscera, and for other purposes.

S. 358

At the request of Mr. DEWINE, the name of the Senator from Montana (Mr. BAUCUS) was added as a cosponsor of S. 358, a bill to provide for compassionate payments with regard to individuals with blood-clotting disorders, such as hemophilia, who contracted human immunodeficiency virus due to contaminated blood products, and for other purposes.

S. 1260

At the request of Mr. GRAMM, the name of the Senator from Kentucky (Mr. MCCONNELL) was added as a cosponsor of S. 1260, a bill to amend the Securities Act of 1933 and the Securities Exchange Act of 1934 to limit the conduct of securities class actions under State law, and for other purposes.

S. 1314

At the request of Mrs. HUTCHISON, the name of the Senator from Idaho (Mr. KEMPTHORNE) was added as a cosponsor of S. 1314, a bill to amend the Internal Revenue Code of 1986 to provide that married couples may file a combined return under which each spouse is taxed using the rates applicable to unmarried individuals.

S. 1334

At the request of Mr. BOND, the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of S. 1334, a bill to amend title 10, 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.

S. 1389

At the request of Ms. SNOWE, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of S. 1389, a bill to amend title 39, United States Code, to allow postal patrons to contribute to funding for prostate cancer research through the voluntary purchase of certain specially issued United States postage stamps.

S. 1413

At the request of Mr. LUGAR, the name of the Senator from Pennsylvania (Mr. SANTORUM) was added as a cosponsor of S. 1413, a bill to provide a framework for consideration by the legislative and executive branches of unilateral economic sanctions.

S. 1464

At the request of Mr. HATCH, the name of the Senator from New York (Mr. D'AMATO) was added as a cosponsor of S. 1464, a bill to amend the Internal Revenue Code of 1986 to permanently extend the research credit, and for other purposes.

S. 1525

At the request of Mr. SPECTER, the name of the Senator from Michigan (Mr. ABRAHAM) was added as a cosponsor of S. 1525, a bill to provide financial assistance for higher education to the dependents of Federal, State, and local public safety officers who are killed or permanently and totally disabled as the result of a traumatic injury sustained in the line of duty.

S. 1578

At the request of Mr. MCCAIN, the name of the Senator from Nebraska (Mr. KERREY) was added as a cosponsor of S. 1578, a bill to make available on the Internet, for purposes of access and retrieval by the public, certain information available through the Congressional Research Service web site.

S. 1618

At the request of Mr. MCCAIN, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 1618, a bill to amend the Communications Act of 1934 to improve the protection of consumers against ''slamming'' by telecommunications carriers, and for other purposes.

At the request of Mr. MCCAIN, the name of the Senator from Washington (Mr. GORTON) was withdrawn as a cosponsor of S. 1618, supra.

S. 1619

At the request of Mr. MCCAIN, the name of the Senator from Michigan (Mr. ABRAHAM) was added as a cosponsor of S. 1619, a bill to direct the Federal Communications Commission to study systems for filtering or blocking matter on the Internet, to require the installation of such a system on computers in schools and libraries with Internet access, and for other purposes.

S. 1677

At the request of Mr. CHAFEE, the name of the Senator from Tennessee (Mr. THOMPSON) was added as a cosponsor of S. 1677, a bill to reauthorize the North American Wetlands Conservation Act and the Partnerships for Wildlife Act.

S. 1724

At the request of Ms. COLLINS, the name of the Senator from Arkansas (Mr. HUTCHINSON) was added as a cosponsor of S. 1724, a bill to amend the Internal Revenue Code of 1986 to repeal the information reporting requirement relating to the Hope Scholarship and Lifetime Learning Credits imposed on educational institutions and certain other trades and businesses.

S. 1862

At the request of Mr. DEWINE, the name of the Senator from Montana (Mr. BURNS) was added as a cosponsor of S. 1862, a bill to provide assistance for poison prevention and to stabilize the funding of regional poison control centers.

S. 1894

At the request of Mr. THURMOND, the name of the Senator from North Carolina (Mr. FAIRCLOTH) was added as a cosponsor of S. 1894, a bill to amend the Alcoholic Beverage Labeling Act of 1988 to improve a warning label requirement.

S. 2033

At the request of Mr. ABRAHAM, the name of the Senator from Arizona (Mr. KYL) was added as a cosponsor of S. 2033, a bill to amend the Controlled Substances Act with respect to penalties for crimes involving cocaine, and for other purposes.

SENATE CONCURRENT RESOLUTION 65

At the request of Ms. SNOWE, the name of the Senator from Arkansas (Mr. BUMPERS) was added as a cosponsor of Senate Concurrent Resolution 65, a concurrent resolution calling for a United States effort to end restriction on the freedoms and human rights of the enclaved people in the occupied area of Cyprus.

SENATE CONCURRENT RESOLUTION 88

At the request of Mr. ASHCROFT, the name of the Senator from Montana (Mr. BURNS) was added as a cosponsor of Senate Concurrent Resolution 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.

NOTICES OF HEARINGS

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. JEFFORDS. Mr. President, I would like to announce for information of the Senate and the public that a Executive Session of the Senate Committee on Labor and Human Resources, will be held on Wednesday, May 13, 1998, 9:30 a.m., in SD–430 of the Senate Dirksen Building. The Committee will consider H.R. 2614, The Reading Excellence Act and Presidential Nominations.

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 Thursday, June 4, 1998, at 2:00 p.m. in room SD–366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of this hearing is to receive testimony on S. 1253, 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, DC 20510. For further information, please call Amie Brown or Mark Rey at (202) 224–6170.

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ADDITIONAL STATEMENTS

WELCOME TO PARTICIPANTS OF THE INVENTION/NEW PRODUCT EXPOSITION

● Mr. SANTORUM. Mr. President, I rise to recognize the inventors, manufacturers, marketers, entrepreneurs, investors and media from across the United States and over 35 countries that are convening in Pittsburgh for the Invention/New Product Exposition (INPEX XIV).

INPEX is held in conjunction with The Business Show, the region's business-to-business trade show, and the Global Partnership with Pennsylvania Conference. The conference provides the opportunity for international entrepreneurs to meet with representatives from the region's businesses. This conference helps to promote economic development and job creation in Western Pennsylvania and encourages participants to establish their operations in the region. Participants can attend the educational seminars to learn how to do business in Pennsylvania and network with Pennsylvania chambers, businesses and regional associations.

Most inventions and new products displayed at INPEX are eligible to be a part of the INPEX Awards Program. Entries are judged by an International Jury, with winners determined on the basis of usefulness, overall appeal and creativity. Past sponsors of corporate awards include AAA, the World Trade Center Association, NASA and the Pennsylvania Institute Of Culinary Arts.

Mr. President, I am pleased that Pittsburgh is the site of such innovation, business development and global partnership. I ask my colleagues to join me in extending the Senate's best wishes to participants and organizers of this conference, and in recognizing the week of May 11 as Innovation Week, Business to Business Week and Global Partnership With Pennsylvania Week.●

GULFSTREAM AEROSPACE CORPORATION

● Mr. CLELAND. Mr. President, I rise today to congratulate the Gulfstream Aerospace Corporation and the Gulfstream V industry team on winning the coveted Robert J. Collier Trophy for 1997. The Gulfstream V is the world's first ultra-long range large cabin business jet. Both the Gulfstream V and the Gulfstream IV SP are manufactured in Savannah, Georgia.

The Collier trophy is aviation's most prestigious award. It is given annually by the National Aeronautics Association to recognize the top aeronautical achievement in the United States. Gulfstream and the G-V Industry team were presented the trophy at a ceremony on April 29 hosted by the National Aeronautical Association and the National Aviation Club in Arlington, Virginia.

Gulfstream and the Gulfstream V industry team were recognized specifically ''for successful application of advanced design and efficient manufacturing techniques, together with innovative international business partnerships, to place into service the Gulfstream V—the world's first ultra-long range business jet.'' Past winners of this prestigious award include Orville Wright, Neil Armstrong and the Apollo 11 flight crew, Charles E. ''Chuck'' Yeager and my colleague from Ohio, Senator and astronaut John GLENN.

Certified by the Federal Aviation Administration (FAA) in April, 1997, the Gulfstream V business jet is the first aircraft of its kind in the world. With unmatched performance, comfort and speed, the Gulfstream V has a range that is 50% greater than any other business jet currently in service. The Gulfstream V can carry eight passengers and a crew of four for nonstop distances of up to 6,500 nautical miles at speeds of up to Mach .88. It is designed to cruise routinely at an altitude of 51,000 feet. Last year, in the first eleven months of service, the Gulfstream V set 47 world and national records, consisting of 22 city pair speed records and 25 performance records.

The Gulfstream V has made nonstop travel between cities such as Tokyo and Washington, London and Beijing, and Los Angeles and Moscow routine business.

The Gulfstream V was recognized as one of the ''Ten Most Memorable Flights in 1997'' by the National Aeronautic Association for a flight from Washington, DC to Dubai, United Arab Emirates. The flight was 6,330 nautical miles and took 12 hours and 40 minutes. It flew nonstop.

Mr. President, I want to salute and congratulate the 6,000 men and women of the Gulfstream Aerospace Corporation on their outstanding work and this extraordinary achievement.●

COMMEMORATING THE DEPARTMENT OF STATE'S DIPLOMATIC SECURITY SERVICE

● Mrs. FEINSTEIN. Mr. President, as the United States observes National Police Week, I believe this to be an appropriate time to recognize the outstanding work performed by the men and women of the Department of State's Diplomatic Security Service (DSS).

As the security and law enforcement arm of the Department of State, the DSS, since 1916, has protected U.S. diplomatic installations and personnel around the world as well as providing critical security and law enforcement services within the United States. Presently, 260 DSS special agents are serving in over 140 of our embassies and consulates throughout the world. Additionally, 500 special agents are assigned to offices throughout the United States and work closely with their counterparts in federal, state, and municipal law enforcement organizations.

DSS special agents have been in the forefront of the fight against international terrorism and transnational crime. In 1995, DSS special agents assigned to the U.S. Embassy in Islamabad, Pakistan, working closely with Pakistani Authorities, were instrumental in the apprehension of Ramzi Yousef, a terrorist wanted in connection with the World Trade Center bombing in New York City. DSS agents had the lead role in debriefing the original informant, coordinating surveillance of Yousef's activities, and entered Yousef's room alongside Pakistani police to effect his arrest. Subsequently, Yousef was convicted in New York of his heinous act of terrorism and sentenced to life imprisonment without parole.

The DSS also runs effective Counter-Terrorism and Counter-Narcotics awards programs in which it offers large cash rewards of up to $4 million. In 1995, this program, along with the efforts of DSS agents throughout Latin America, helped to bring about the downfall of the Cali drug kingpins of Colombia, apprehending eight high ranking members of that organization. The DSS is currently playing a very key role in attempting to apprehend suspects involved in the Khobar Towers bombing in Saudi Arabia, the bombing of Pan Am flight 103 over Lockerbie Scotland, as well as Mexican drug trafficking.

The DSS also plays an important role in ensuring the security of our borders through investigations of falsified U.S. passports and U.S. visas. In the U.S., work in this area complements the work of state and local authorities as well as other federal agencies. This role enables the DSS to utilize versatile charges that enable it to apprehend fugitives and return them to various jurisdictions throughout the United States.

In my own state of California, DSS agents were instrumental in establishing a verification system involving possession of U.S. visas, whereby many illegal immigrants have been identified who were previously, and fraudulently, claiming and receiving medical and welfare benefits from the state of California. The California Department of Health Services estimates that this system saved California taxpayers over $2 million in 1997 alone.

Additionally, the DSS has conducted extensive training programs for foreign police officials, both in the U.S. and abroad, which over the last decade have resulted in over 18,000 foreign police officers receiving training in anti-terrorism and anti-crime skills. By enhancing the capabilities of these police elements, the DSS is increasing the capacity of other countries to render assistance to the United States in our continuing struggle against international terrorism and crime.

Furthermore, the technical expertise of the DSS' security engineering personnel has enabled the nation's business to be transacted safely and securely in hostile environments

throughout the world. U.S. diplomatic installations rely on the ability of the DSS to provide a secure area in which to conduct sensitive functions. These programs provide the secure technical foundation in computer and information security which is so necessary in today's technological age.

The DSS has continually provided crucial support services for our foreign policy and law enforcement objectives. Their contributions have been recognized by the granting of heroism awards by organizations such as the Federal Law Enforcement Officers Association (FLEOA) and the International Organization of Chiefs of Police (IACP).

In the first session of Congress, the Foreign Relations Authorization Act for Fiscal Years 1998 and 1999 (H.R. 1757), approved the inclusion of members of the DSS under the provisions of the Law Enforcement Availability Pay (LEAP). A separate proposal, H.R. 633, would also include these personnel under the law enforcement retirement provisions. These measures, which provide long overdue parity for DSS personal with federal law enforcement colleagues, will be important in determining the future role of DSS agents.

I would like to thank the Diplomatic Security Service for the tireless role that they have played in combating terrorism and transnational crime as well as helping to protect U.S. businesses, embassies, and all the branches of the U.S. government represented abroad. They have continually provided crucial services in support of our foreign policy and law enforcement objectives, often at substantial risk to their own lives.●

NATIONAL PEACE OFFICERS' MEMORIAL DAY

● Mr. FAIRCLOTH. Mr. President, I rise in recognition of the National Peace Officers' Memorial Day and to pay tribute to the 305 officers of the law who lost their lives in the line of duty during the past year. I want to recognize specifically the six officers in North Carolina who put community safety ahead of their own lives. These six individuals approached the job valiantly. Their courage is inspiring, and their commitment to duty provides the kind of example so desperately needed in today's society.

I would, of course, be remiss if I did not mention the families of the officers I now recognize. I extend my heartfelt gratitude and deepest admiration for those who everyday watch and support their husbands, wives, parents, and children on the front line of crime fighting. Their sacrifice is beyond measure, and we are forever indebted to these brave men and women.

I call to the attention of Congress the names and survivors of North Carolina's six fallen officers and ask that my colleagues join me in saluting these courageous individuals.

Sergeant William Earl Godwin who served with the Morrisville Police Department. Sergeant Godwin's survivors include his wife, Allison, and their daughter, Mercedes.

Detective Paul Andrew Hale who served with the Raleigh Police Department. Detective Hale's survivors include his wife, Connie, and their daughters, Jessica and Stephanie.

Chief of Police Willard Wayne Hathaway who served with the Sharpsburg Police Department Among Chief Hathaway's survivors is his son, Shaun.

Corporal David Walter Hathcock who served with the Cumberland County Sheriff's Office. Corporal Hathcock's survivors include his wife, Barbara, and his sons, Phillip, Daniel, and Kevin.

Sergeant Lloyd Edward Lowry who served with the North Carolina Highway Patrol. Sergeant Lowry's survivors include his wife, Dixie, his daughters, Lori and Melissa, and his grandchildren, Dustin, Brooke, and Nolan.

Officer Mark Allen Swaney who served with the Davidson Police Department. Officer Swaney is survived by his parents, Larry and Glenda.

Mr. President, every North Carolinian mourns the loss of our six peace officers. I am privileged to convey the State's resounding and unanimous sentiment of appreciation, and our continuing respect for the skills, bravery, and dedication of our law enforcement officers.●

1998 JAMES FORRESTAL MEMORIAL AWARD

● Mr. INOUYE. Mr. President, on the evening of May 6th, I had the honor of being in the audience to witness the presentation of the 1998 James Forrestal Memorial Award by the National Defense Industrial Association to the distinguished senior Senator from Alaska, the Chairman of the Appropriations Committee and Chairman of the Defense Subcommittee, Senator TED STEVENS. The first recipient of this impressive award was President Dwight D. Eisenhower, followed by a number of most distinguished citizens who were personally involved in helping our nation during difficult times, and who guided the development of a close working relationship between our government and private industry toward the requirements of National Security.

I have had the privilege of working with Senator STEVENS for nearly 30 years. It is no secret that I admire and deeply respect our colleague. Our nation is truly fortunate to have as Chairman of the Senate Appropriations Committee, an individual as dedicated to public service and to the maintenance of military strength and readiness.

Upon receipt of this award, Senator STEVENS shared with the audience his views on the status of the military and our nation's future. These, perhaps provocative, but, definitely profound remarks should be studied and restudied by all who believe in the importance of our military forces.

Mr. President, I ask that Senator STEFVENS' address be printed in the RECORD.

The Address follows:

ADDRESS BY SENATOR TED STEVENS

As one who admired Sec. James Forrestal, it is a great honor to receive this award which bears his name. The name of a great leader who responded with vision and insight to the defense organizational, and leadership, needs of our Nation after World War II.

Indeed, Secretary Forrestal, serving as Secretary of the Navy, demonstrated great courage and wisdom as an advocate for a restructuring of the Department of War and Department of Navy—a restructuring we all know led to today's Department of Defense.

The Forrestal Award is especially meaningful coming from your organization—NDIA. By insuring that industry has a strong, clear voice on defense issues, NDIA serves our Nation well.

Secretary Forrestal's visionary leadership established a national security structure which has seen us through over fifty years of peace and war. With only modest adjustments, the course he charted allowed us to navigate through the cold war.

Some of Secretary Forrestal's observations from 1947 provide a thoughtful perspective on current defense issues.

In testimony on the National Security Act of 1947, Secretary Forrestal said the bill ''provides an organization which will allow us to apply the full punitive power of the United States against any future enemy. It provides for the coordination of the three armed services, but what is to me even more important than that, it provides for the integration of foreign policy with national policy, of our civilian economy with military requirements.''

Just as our Nation faced a ''Post World War'' environment in 1947, we now prepare for the 21st century and military contingencies which differ greatly from the cold war. Tonight I will focus on some common themes which motivate us, like Secretary Forrestal, to ponder the need for adjustments in the current defense establishment.

After World War II, the nation had to devise a new military-industrial structure to prepare us for an uncertain future. In 1947 testimony, Secretary Forrestal outlined his thinking—he said:

''First, there is a need, apparent during and since the war, for the planned integration of all of the elements, energies, and forces in our Nation which have to be drawn upon to wage successful war. In these categories come not merely the Army and Navy and the State Department, but industry, and by 'industry' I mean industrial management, which I regard as one of the keystones which produce success in war.''

All these concerns are valid today, but the facts underlying the need he discussed will be significantly changed. DOD will be buying in a less competitive environment than ever—requiring careful attention to ensure that innovation and foresight are not lost.

Further, today's defense systems are more complex, take dramatically longer to develop and build, and cost significantly more to acquire, maintain and operate. In the first nine months of 1945, we accepted delivery 5,111 P–51 Fighters. Now, at the peak rate, we will build 36 F–22's and 48 F–18 E/F's, both with long lead times greater than 33 months.

Not only are there fewer prime defense contractors, but each one is moving to be more efficient; inevitably this process will limit or eliminate excess production capacity. The speed and success of Desert Storm demonstrated the new role for industrial management in a ''come as you are'' war.

I remember visiting Joint Stars in Saudi Arabia—a system in the demonstration/validation phase of development, but being used

in the overall Desert Storm operation—while still under industry control and support.

Indeed, we rarely hear discussion now about raw material shortages or industrial surge capacity. And we are no longer an Island Nation—this Nation's military industrial base is now part of a global economy. This industrial challenge has parallels in our military command structure.

Secretary Forrestal, intimately familiar with the demands of World War II, enunciated what others often think when he said—''Military strength today is not merely military power but its is economic and industrial strength.''

Today we continually find ourselves in peacekeeping and other contingency missions—missions for which our soldiers and leaders are not necessarily trained or equipped. Instabilities are more likely to call for a response to terrorism, civil war, and ethnic strife, instead of territorial invasion.

Future battles may take place in urban environments with political constraints on collateral damage, difficult conflict conditions for any military commander. Deploying military force should not be the solution to every regional, ethnic or humanitarian crises. No forces should deploy overseas unless we establish mission objectives that our political and military leadership can plainly articulate.

A second similarity to the challenges faced by James Forrestal is the confidence of the Nation in the weapon systems and combat platforms within the military inventory. Secretary Forrestal concisely outlined his thoughts in words I believe ring true today—''Men fight not for abstractions, but for the concrete things they can visualize in terms of their own country.'' Following World War II, this Nation felt confident in its ability and the then-existing ''Tools of war''.

Following operation Desert Storm, the United States was equally confident in our weapons. I saw first hand during the gulf war the impact that ''early'' generation precision guided weapons and information technologies, such as JSTARS, had on our decisive victory in that conflict.

The entire world saw those advances also—we now need new technologies to assure that our ''cutting edge'' is sharp. We must implement those technologies rapidly.

Obviously, we also need new tactics, new systems, and a modernized command, control, and communications management concept. And, there are new threats—ballistic missiles, cruise missiles, chemical and biological weapons, information warfare, and space-based sensors and systems.

These resonate Secretary Forrestal's comments on the need for a ''planned integration of all of the elements, energies, and forces in our Nation.''

These new threats call into question the traditional weapons of war as well as the accepted practice of splitting budget resources among the military services. Just as aircraft technology spawned a new military service, the new technology forces which will influence future warfare demand that we look at our research and development priorities and the allocation of procurement funds.

The last parallel to 1947 I cite is one I deal with most directly as Chairman of the Senate Appropriations Committee—that is the pressure of a substantially decreased budget. As each of you know, the defense budget today has reached dangerously low levels. Defense spending has fallen far faster than any other category of Federal spending—dropping 39% since 1985. In constant dollars, it is lower than 1939. Yet, the budget agreement, as well as current public sentiment, makes it most likely that defense spending will be flat through 2002.

The pressures on this flat budget are as great as I have ever seen, and probably greater than the pressures faced by our leaders in 1947. One basic fact is that neither Congress nor DOD have much flexibility in the Defense budget.

Force structure determines the level of military personnel spending—presently about one-third of our budget. Second, these forces must be trained and ready which consumes roughly one-third of the Defense budget devoted to operation and maintenance.

Finally, the remaining one-third is left to modernize and develop the next generation of military systems which will ensure no adversary can match U.S. soldiers, sailors, marines and airmen. However, this remaining ''one-third'' for modernization is not what it used to be.

In constant 1998 dollars, procurement has declined from $104 billion in FY 1988 to $49 billion in FY 1998 and R&D declined from $48 billion to $36.5 billion. That decline is exacerbated by on-going contingency operations in Bosnia and Iraq.

The $10.5 billion committed to Bosnia alone from 1995–1999 will consume all the savings achieved by tough base closure and force structure decisions, while also reducing our investment in modernization and R&D. To meet these challenges, we can no longer afford business as usual at DOD.

This brings our discussion back to my first point—future conflicts will stress our current military and defense industrial establishment. These entities will have to work together to consolidate functions, precisely define missions, eliminate redundancy and assure victory through perfection of planning and execution through total use of command, control, communications and intelligence functions.

The challenge before us today is to look towards a new national defense establishment for a new century in a new millennium—a structure which will allow our great Nation to organize, plan, and maintain peace and security.

Secretary Forrestal once said, ''The greatest economy is in preventing war. The best insurance against war is national preparedness and an effective coordination of our foreign and our military policy.'' These are the goals we continue to strive to achieve. I solicit help from each of you in defining new ideas needed to carry this Nation securely into the 21st century.

Knowing I will be working with all of you in the days ahead, I am honored to be recognized by this group with the Forrestal Award.●

ORDERS FOR TUESDAY, MAY 12, 1998

Mr. GRAMS. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:30 a.m. on Tuesday, May 12. I further ask that on Tuesday, immediately following the prayer, the routine requests through the morning hour be granted and the Senate then begin a period of morning business until 10 a.m., with Senators permitted to speak for up to 5 minutes each with the following exceptions: Senator MIKULSKI for 15 minutes, and Senator LOTT or his designee for 15 minutes.

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

Mr. GRAMS. I further ask that at 10 a.m. Senator D'AMATO be recognized.

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

Mr. GRAMS. I further ask that at 12:10 p.m. the Senate proceed to the consideration of S. 1046, the National Science Foundation reauthorization bill under a previous consent agreement.

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

Mr. GRAMS. I further ask that the Senate recess following the vote on the National Science Foundation reauthorization bill until 12:15 p.m. to allow the weekly party caucuses to meet.

The PRESIDING OFFICER. Hearing no objection, it so ordered.

PROGRAM

Mr. GRAMS. Mr. President, for the information of all Senators, tomorrow morning at 9:30 a.m. the Senate will be in a period of morning business until 10 a.m. Following morning business, Senator D'AMATO will be recognized to offer and debate a bill regarding breast cancer, and it is hoped that a short time agreement can be reached with respect to the D'Amato bill.

At 11 a.m. under a previous order, the Senate will then proceed to the consideration of the conference report to accompany S. 1150, the agricultural research bill. The time until 12:10 p.m. will be divided among several Members for debate on the conference report.

Following that debate, the Senate will proceed to the consideration of the National Science Foundation reauthorization bill under a short time agreement. A rollcall vote is expected to occur on passage of that bill at approximately 12:15 p.m. Therefore, all Senators should be aware that the first vote of Tuesday's session will occur at approximately 12:15 p.m.

Also, under a previous order, when the Senate reconvenes at 2:15 p.m. it will resume consideration of the agricultural research conference report. At that time, Senator GRAMM of Texas will be recognized to move to recommit the conference report. There will be 1 hour for debate on the motion equally divided, and at the conclusion or yielding back of time the Senate will proceed to vote on or in relation to the motion. Following that vote, it is hoped that short time agreements can be reached with respect to the agricultural research conference report, any of several high-tech bills or any other legislation or legislative or executive items cleared for action.

And finally, as a reminder to all Members, a cloture vote will occur on Wednesday on the motion to proceed on the missile defense bill.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. GRAMS. 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 6:36 p.m., adjourned until Tuesday, May 12, 1998, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate May 11, 1998:

THE JUDICIARY

RANER CHRISTERCUNEAN COLLINS, OF ARIZONA, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF ARIZONA, VICE WILLIAM D. BROWNING, RETIRED.

ROBERT S. LASNIK, OF WASHINGTON, TO BE UNITED STATES DISTRICT JUDGE FOR THE WESTERN DISTRICT OF WASHINGTON, VICE CAROLYN R. DIMMICK, RETIRED.

VIRGINIA A. PHILLIPS, OF CALIFORNIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE CENTRAL DISTRICT OF CALIFORNIA, VICE WILLIAM M. BYRNE, JR., RETIRED.

DEPARTMENT OF THE TREASURY

RAYMOND W. KELLY, OF NEW YORK, TO BE COMMISSIONER OF CUSTOMS, VICE GEORGE J. WEISE, RESIGNED.

JAMES E. JOHNSON, OF NEW JERSEY, TO BE UNDER SECRETARY OF THE TREASURY FOR ENFORCEMENT, VICE RAYMOND W. KELLY.

ELIZABETH BRESEE, OF NEW YORK, TO BE AN ASSISTANT SECRETARY OF THE TREASURY, VICE JAMES E. JOHNSON.

EXTENSIONS OF REMARKS

ON INTRODUCTION OF A BILL DESIGNATING THE CIA AS THE ''GEORGE H.W. BUSH CENTER FOR CENTRAL INTELLIGENCE''

HON. ROB PORTMAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, May 11, 1998

Mr. PORTMAN. Mr. Speaker, I rise as the proud sponsor of legislation introduced with Representatives GOSS, SKELTON, HAMILTON and others, that would designate the CIA compound in Langley, Virginia as ''The George H.W. Bush Center of Central Intelligence.'' As a former staff member in the Bush White House, I had the true honor of learning firsthand the values and principles of public service that President Bush exemplified. He stood for the proposition that honor, integrity and responsibility are the important ideals for public service. Now, through this legislation, Congress can memorialize these values which, I believe, his name has come to represent.

As you know, George Bush had a remarkable and distinguished career in public service not only as President, but also Vice President, U.N. Ambassador, Chief of the U.S. Liaison Office to the People's Republic of China and Member of Congress. But he has always been particularly proud of his tenure as Director of the Central Intelligence Agency. He guided the Agency through a difficult time and continues to be held in high regard by the CIA and its employees, past and present.

He is also the only President to serve as CIA Director. By making the CIA compound the first public building in the Washington area to be named after President Bush, Congress can honor our 41st President with a lasting and appropriate tribute.

Mr. Speaker, I want to especially thank Chairman of the Select Committee on Permanent Intelligence, PORTER GOSS, Ranking Democrat on the National Security Committee, IKE SKELTON, the Ranking Democrat on International Relations Committee, LEE HAMILTON, and all the others for their individual help in putting together this bipartisan effort to commemorate former President Bush in an appropriate manner. I also want to thank all of the other original cosponsor who have joined in this effort and urge my colleagues on both sides of the aisle to pass this legislation as a lasting tribute to George Bush's legacy of service to the CIA and to the nation.

TRIBUTE TO ROBERT M. HERTZBERG

HON. BRAD SHERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 11, 1998

Mr. SHERMAN. Mr. Speaker, I rise today to pay tribute to Robert M. Hertzberg who will be receiving the Civic Leadership Award from the Organization for the Needs of the Elderly (ONE).

President Kennedy said, ''Change is the law of life. And those who look only to the past or present are certain to miss the future.'' Assembly member Hertzberg is know throughout our community for his exceptional dedication to our community and his efforts to bring about positive changes, improving the safety of our environment.

Understanding that citizens need a voice, Assembly member Hertzberg took measures which allow San Fernando Valley residents to exercise greater control over our community. He also established a multimillion dollar gang suppression program in L.A., overhauled L.A. County's overburdened juvenile justice system and allowed the membership of the L.A. Unified School District Board to be increased.

Assembly member Hertzberg's positive changes have not just affected the San Fernando Valley, but the state of California as a whole. Working to improve the safety of our communities, he authorized laws which create a state Witness Protection Program to help convict dangerous criminals, establish a pilot project to test a non-emergency ''311'' telephone system to relieve the overburdened ''911'' system, and allow citizens to lodge complaints with state departments via Internet.

In addition to representing the 40th Assembly District in the California State Legislature, Assembly member Hertzberg has served on the Board of Directors for several organizations such as CORO, Chinatown Service Center and Mulholland Tomorrow. He has also participated as a member on the Executive Committee on the Jewish Community Relations Committee of the Valley Alliance, the State Issues Committee of the Valley Industry and Commerce Association and the Sherman Oaks Town Council.

Mr. Speaker, distinguished colleagues, please join me in honoring Assembly member Robert Hertzberg for his outstanding leadership and dedication to community service.

COLORADO RIVER COMPACT OF 1922

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, May 11, 1998

Mr. BOB SCHAFFER of Colorado. Mr. Speaker, Mr. Jack Barnett, the Executive Director of the Colorado River Basin Salinity Control Forum came to Washington, D.C., and visited my office on April 28, 1998. He discussed the Colorado River Compact of 1922 which allocated water among the seven basin states along the Colorado River. The Colorado River is apparently getting more saline as demand for water increases on the Colorado River. The geology of the basin particularly contributes to salinity in the Colorado River. Eroding shale in the semi-arid climate leaves salt deposits that amount to nine and one-half tons of salt annually being deposited in Lake Mead. In 1972, under the Clean Water Act discussions, the seven basin states agreed to take a collaborative approach to water quality protection. Under this approach, the basin states must submit a water quality plan every three years to EPA.

Mr. Barnett relayed to me the values of incentive-based programs related to water quality and quantity along the Colorado River. For example, through cost share programs associated with the Salinity Control Forum, irrigators are switching to more efficient, more technologically advanced systems, like surge irrigation. Surge irrigation takes advantage of chemical properties in the soil to enlarge the water coverage on a field. Rather than overly soaking ground close to the ditches, surge irrigation surpasses the ground that is already wet to find dry soil further away. Accordingly, less water is used to produce more from the same field. I commend such voluntary, incentive-based programs that help improve water quality and water quantity along the Colorado River. Such programs are important to my constituents in Colorado, and I thank Mr. Barnett for bringing this program to my attention.

A PROCLAMATION HONORING THE USWA LOCAL #1190 WORKERS MEMORIAL DAY

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, May 11, 1998

Mr. NEY. Mr. Speaker, I wish to call an important proclamation to the attention of my colleagues.

Whereas, the USWA Local #1190 is observing its Workers Memorial Day Service; and,

Whereas, the USWA Local #1190 has set aside this day to remember all steelworkers who have been laid to rest; and,

Whereas, the USWA Local #1190 must be commended for their dedication to its members and their families; and,

Whereas, the USWA Local #1190 has demonstrated a commitment to meet challenges with confidence and outstanding service; and,

Whereas, I join with all citizens of Jefferson County, the members of USWA Local #1190 and the entire 18th Congressional District in observing the Workers Day Memorial Service on April 28, 1998.

TRIBUTE TO EDWARD JAMES OLMOS

HON. BRAD SHERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 11, 1998

Mr. SHERMAN. Mr. Speaker, I rise today to pay tribute to Edward James Olmos. He will

be honored by the St. Joseph Center with the ''Hope Through Empowerment Award'' for his tireless efforts in helping inner-city youth, kids at risk and his support of many humanitarian efforts.

Known as the ''Olivier of the Latino World,'' Edward James Olmos is an individual flowing with talent and creativity. The talented actor, producer, director and community activist was born and raised in East Los Angeles and spent many years in theatrical roles until his mesmerizing performance in the musical play Zoot Suit, which led to a Tony Award nomination. He later recreated the role for film, then went on to star in a variety of other movies.

From the beginning, Edward believed strongly that he had a responsibility to ''give back'' to his community and to the world. Edward spends much of his time talking with youth and children. Each year, he speaks on average at 150 schools, charities and juvenile institutions across the country—providing encouragement and counsel. He maintains that these visits with kids at risk serve as an inspiration to his acting. ''They are an extraordinary source of energy that I would not have otherwise,'' he says. ''After an hour of speaking with those kids, I walk away with a buzzing feeling inside. You're one person giving to more than three hundred people who are giving back to you.''

Edward's most recent project, and the one closest to his heart is the Los Angeles Latino Family Festival. This festival celebrates a variety of areas, including books, the importance of culture in our daily lives, home ownership and travel.

Mr. Speaker, distinguished colleagues, please join me in honoring Edward Olmos. He is a role model to the citizens of Los Angeles.

STERLING, COLORADO IS A HIGH QUALITY CITY

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, May 11, 1998

Mr. BOB SCHAFFER of Colorado. Mr. Speaker, I would like to recognize the hard-working people that live, work and recreate in Sterling, Colorado. Sterling is the center of economic activity, professional services and recreation of Northeastern Colorado. The City is situated two hours northeast of Denver, on the South Platte River. With a population of 11,000, the county of seat of Logan County boasts a good environment, and a strong, safe community. The community enjoys modern telecommunications technology, and a solid infrastructure. Sterling is easily accessible by plane, rail, and car. Located off of I–76, the City is the hub activity in northeast Colorado. With a regional medical center, and a fully accredited junior college, Sterling provides valued medical and educational services to thousands of my constituents.

Recreational opportunities add to the high quality of life in this admirable community, including public and private golf courses, reservoirs, parks and portions of the Pawnee National Grasslands. Logan County contains rural farms which provide a good environment for people and wildlife alike.

Sterling was recently named one of 30 finalists for the All-American City Award. Representatives from the community will appear before a panel in Mobile, Alabama in June to highlight the reasons why Sterling deserves such an award. The National Civic League and Allstate Insurance Co., present the award each year to ten outstanding communities around the nation. Such recognition recognizes the western spirit and strong values that bind this community together. Good schools, good services, and a good environment make Sterling ideal for new businesses and economic growth. Mr. Speaker, I am proud to serve those that live in and around Sterling, Colorado.

IN HONOR OF SHELLY ROSENBERG

HON. HENRY A. WAXMAN

OF CALIFORNIA

HON. HOWARD L. BERMAN

OF CALIFORNIA

HON. BRAD SHERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 11, 1998

Mr. WAXMAN. Mr. Speaker, the gentlemen from California Mr. BERMAN and Mr. SHERMAN and I ask our colleagues to join us in saluting our good friend Shelly Rosenberg, who was honored on Friday, May 8, 1998 for her tremendous contributions to Kehillat Israel and our entire community.

Shelly is deeply committed to the Jewish people, Jewish education, and the centrality of religious worship in Jewish life. She has been actively involved in virtually every aspect of Kehillat Israel's activities, and for the last eight years has ably served as Executive Director. She previously served on the Board of Directors as Nursery School Chair, Religious Education and Youth Chair, and for two years as President of the Board of Directors.

In addition, Shelly has been the driving force to make the dream of constructing a new synagogue a reality. Without her unparalleled energy, her incredible talent, and her resolute determination, this great undertaking simply could not have been achieved.

At the center of Shelly's life is her devoted husband, Ken, and their wonderful daughters, Carin and Cindy—and at the center of their lives together has been Kehillat Israel. They have been active members since 1971 and their now-adult children who give Shelly and Ken such pride, began their nursery school learning, attended religious school, and celebrated their B'nai Mitzva and Confirmations at the synagogue.

In addition to her devoted service to Kehillat Israel, Shelly has served the larger community in numerous ways. She was President of the Pacific Palisades Junior Women's Club; on the board of B'nai B'rith Women, Palisades Coordination Council, New Start, and Las Doradas; and an active member of the PTAs of Webster, Malibu Park Junior High School, and Santa Monica High School.

We all owe Shelly a debt of gratitude for her tireless and selfless work on behalf of our community. We extend our heartfelt thanks to her for her generous commitment and we wish her, Ken, Carin, and Cindy every happiness and success in the future.

TRIBUTE TO MARION ROSS

HON. BRAD SHERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 11, 1998

Mr. SHERMAN. Mr. Speaker, I rise today to pay tribute to Marion Ross, who will be honored by the Organization for the Needs of the Elderly as the 1998 Legacy Award Recipient.

For many years, Marion has shared her incredible gift with audiences of all ages. As a drama major at San Diego State, her raw talent was recognized, and she was voted the school's most outstanding actress during her Freshman Year. Since that time, she has gone on to win international acclaim as an actress comfortable on the stage of a classic drama or in a contemporary television comedy.

After college, Marion made her break into the Hollywood scene with her debut film, *Forever Female*. She then went on to appear in a variety of television shows, including the one that made her a household name around the world. On *Happy Days*, Marion played the comical, yet reliable housewife, Mrs. Cunningham. In this role, she delighted fans with her warmth, sincerity and quick wit.

After *Happy Days*, Marion returned to her first love—the stage. Oscar Wilde once said that, ''The stage is not merely the meeting place of all the arts, but is also the return of art to life.'' Marion Ross epitomized this ideal in several highly acclaimed dramatic theater performances. The role of lifetime came with her performance in *Brooklyn Bridge*, a show which won the widespread approval of critics and brought Marion a nomination as Best Actress for both an Emmy and the American Television Awards. Additionally, Marion was named the ''Best Comedy Actress of the Year'' by the highly respected national organization, the Viewers for Quality Television.

Over the past few years, Marion has remained busy in a diverse collection of roles. She received a Golden Globe nomination for her performance in *The Evening Star* and has starred in several recent television productions.

I can think of no individual more deserving of this award than Marion. Through her many characters, she has given us a legacy of laughter, joy and tears. Mr. Speaker, distinguished colleagues, please join me in honoring one of the preeminent actresses of our time, Marion Ross.

I AM A WEARY AMERICAN

HON. JOHN T. DOOLITTLE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 11, 1998

Mr. DOOLITTLE. Mr. Speaker, I have known my friend, Paul N. Johnson, for a number of years, and I was most impressed with the insights he shared in the Los Altos Town Crier (December 10, 1997), which he recently sent to me. I agree with the sentiments expressed therein and commend the article to your attention.

I AM A WEARY AMERICAN

(By Paul N. Johnson)

I am weary of career politicians who feed at the public trough, who lie and promise

whatever they think will gain them votes with the electorate.

I am weary of bureaucrats, whether in government, business, unions, education, etc., who make mountains out of molehills, who make life difficult for individuals and for those who can make things happen, who add absolutely nothing to our society or economy, and whose main function is to ensure the continuation of their jobs, and only give lip service to what their purpose is supposed to be.

I am weary of people who expect governments to solve every problem we have, not thinking enough to realize that individuals on the local level can solve problems faster, better and more economically than any government.

I am weary of those whose main desire in life is to control the lives of others and tell then what to do, who will use and manipulate anyone or anything that will help them achieve that end, and who want to invade every aspect of our lives.

I am weary of increasing taxes with no end in sight, and of politicians who raise taxes for a specific purpose and then use the revenue for whatever is expedient or for the ''current crisis.''

I am weary of media biases that are unbalanced, sometimes are not factual, emphasize irrelevant items, and do so self-righteously; and of news ''reporting'' that too often consists of sound bites of emotion that are supposed to be news or fact.

I am weary of emotional, immoral, vulgar and violent trash in books, on television and in the movies, of those who try to promote pornography as art, and of hearing vulgar language almost everywhere and then being expected to consider it ''normal.''

I am weary of lawyers who represent unpopular people or causes, claiming high-minded reasons for doing so, but whose real reason is greed and/or publicity; and of lawyers who zealously encourage lawsuits over trivial matters for their own avarice.

I am weary of judges who ignore the law and let criminals free to terrorize citizens again.

I am weary of protesters who trample the rights of others while claiming they represent a higher cause; who shout down speakers, but insist on their right to be heard.

I am weary of people who insist on their ''rights'' but refuse responsibility for their actions.

I am weary of so many people who are eager to take offense when no offense was intended.

I am weary of ''political correctness'' that amplifies trivia to appear to be ''momentous'' and ignores major and important problems.

I am weary of unions who trample on the rights of those who don't agree with them, and sometimes on the rights of those they are supposed to represent.

I am weary of ''educators'' who don't educate, who don't teach basics, and who don't teach unchanging truths and facts, but instead teach the latest man-made philosophy, which is modified regularly. And then claim ''it's not my fault'' because we don't have enough money, or the classes are too large, or on and on ad nauseam.

I am weary of hearing about greedy sports ''stars'' who demand more money, provide less skill, do not have basic moral values (or at least the sense to keep quiet about it), and are pathetic ''heroes'' for our youth to emulate.

I am weary of so many who want to maintain the status quo even though it obviously has not worked, does not work, and will not work.

I am weary of increasing welfare costs and decreasing effectiveness.

I am weary of religious leaders who are really frustrated politicians and who meddle in issues that are outside their expertise, at localities where they will not be affected by the results.

I am a weary American who does want men and women who are honest, ethical and moral, and who have the integrity to lead our government at all levels, to run businesses, educational institutions, unions, etc., and to set an example for adults and children to follow.

I am a weary American who is grateful to live in this country where there really is more right than wrong, and where there really are more good people than bad.

TRIBUTE TO DAN SCHWALA

HON. BRAD SHERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 11, 1998

Mr. SHERMAN. Mr. Speaker, I rise today to pay tribute to Mr. Dan Schwala for his outstanding commitment to our community. Both as a successful businessman and as an avid supporter of charitable projects, he has used his intelligence and charisma to distinguish himself as a man of valor.

Dan's dedication to work with the St. Joseph Center has helped them to provide empowering opportunities to low income and homeless men, women, and children for over two decades. The Center is a nonprofit community agency that assists approximately 12,000 people yearly through its eleven programs. St. Joseph Center's mission is to be a caring presence in the neighborhood, attentive to the changing survival needs of the poor and marginalized members of our country. Dan's efforts certainly have helped to continue to change the lives of others.

After the untimely death of the St. Joseph Center's Event Chair, John Gorski, after whom the Center's Community Service Award is named, Dan Schwala stepped into the pivotal role as dinner and auction chair of their single most important event of the year.

With his wife, Denise Hart, he has for the third year provided the leadership, enthusiasm and management to ensure that the St. Joseph Center's 1998 event is their most successful ever.

From his position as the Senior Vice President of Paine Webber, Inc., and his commitment to Saint Monica's Parish in Santa Monica, California, he provides tireless direction in this most important community effort to recognize those who are being honored by the St. Joseph Center.

Mr. Speaker, distinguished colleagues, please join me in honoring Dan Schwala. He is a role model for the citizens of our community.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, May 12, 1998, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

MAY 13

9:30 a.m.
Commerce, Science, and Transportation
Communications Subcommittee
To hold hearings to examine the Federal Communication Commission's oversight of the Wireless Bureau.
SR–253

Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD–366

Labor and Human Resources
Business meeting, to consider H.R. 2614, to improve the reading and literacy skills of children and families by improving in-service instructional practices for teachers who teach reading, to stimulate the development of more high-quality family literacy programs, to support extended learning-time opportunities for children, and to ensure that children can read well and independently not later than third grade, and pending nominations.
SD–430

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the Department of Defense.
SD–192

Banking, Housing, and Urban Affairs
Financial Institutions and Regulatory Relief Subcommittee
To hold hearings on proposed legislation to authorize funds for the Community Development Financial Institutions Fund (CDFI) program.
SD–538

Foreign Relations
To hold hearings on the Montreal Protocol No. 4 to Amend the Convention for the Unification of Certain Rules Relating to International Carriage by Air (Ex. B, 95th Cong.,1st Sess.), the International Convention for the Protection of New Varieties of Plants (Treaty Doc. 104-17), the Grains Trade Convention and Food Aid Convention (Treaty Doc. 105-4), the Convention on the International Maritime Organization (Treaty Doc. 104-36), and the Trademark Law Treaty (Treaty Doc. 105-35).
SD–419

Commission on Security and Cooperation in Europe
To hold an open briefing on democratic development in Croatia.
340 Cannon Building

10:30 a.m.
Judiciary
To hold hearings to examine whether tobacco legislation is constitutional.
SD–226

2:00 p.m.
Foreign Relations
Near Eastern and South Asian Affairs Subcommittee
To hold hearings to examine the economic and political situation in India.
SD–419

Governmental Affairs
International Security, Proliferation and Federal Services Subcommittee
To hold hearings on S. 1710, to provide for the correction of retirement coverage errors under chapters 83 and 84 of title 5, United States Code.
SD–342

MAY 14

9:00 a.m.
Agriculture, Nutrition, and Forestry
To hold hearings on the Department of Agriculture's Year 2000 compliance.
SR–332

9:30 a.m.
Appropriations
Treasury, Postal Service, and General Government Subcommittee
To hold hearings to examine the Bureau of Alcohol, Tobacco and Firearms Gang Resistence, Education and Training (G.R.E.A.T.) program
SD–192

Governmental Affairs
Permanent Subcommittee on Investigations
To hold hearings to examine the safety of food imports.
SD–342

Small Business
To hold hearings on the nomination of Fred P. Hochberg, of New York, to be Deputy Administrator of the Small Business Administration.
SR–428A

10:00 a.m.
Foreign Relations
To hold hearings to review the United States interest at the June 1998 U.S.-China Summit.
SD–419

10:15 a.m.
Judiciary
Business meeting, to consider pending calendar business.
SD–226

12:30 p.m.
Appropriations
Labor, Health and Human Services, and Education Subcommittee
To hold hearings to examine the Employee Retirement Income Security Act's (ERISA) preemption, focusing on remedies for denied or delayed health claims.
SD–138

1:30 p.m.
Foreign Relations
Near Eastern and South Asian Affairs Subcommittee
To hold hearings to examine United States policy toward Iran.
SD–419

2:00 p.m.
Energy and Natural Resources
National Parks, Historic Preservation, and Recreation Subcommittee
To hold hearings on titles IX and X of S. 1693, to renew, reform, reinvigorate, and protect the National Park System, and S. 1614, to require a permit for the making of motion picture, television program, or other forms of commercial visual depiction in a unit of the National Park System or National Wildlife Refuge System.
SD–366

Judiciary
To hold hearings on pending nominations.
SD–226

MAY 18

2:00 p.m.
Governmental Affairs
Oversight of Government Management, Restructuring and the District of Columbia Subcommittee
To hold hearings to examine the role of faith-based charities in the District of Columbia.
SD–342

MAY 19

9:30 a.m.
Energy and Natural Resources
To hold oversight hearings on the fiscal and economic implications of Puerto Rico status.
SH–216

10:00 a.m.
Governmental Affairs
To hold hearings to examine Government computer security.
SD–342

Labor and Human Resources
To hold hearings to examine grievance procedures in the health care industry.
SD–430

MAY 20

10:00 a.m.
Governmental Affairs
To continue hearings to examine Government computer security.
SD–342

Judiciary
To hold hearings on S. 1645, to prohibit taking minors across State lines to avoid laws requiring the involvement of parents in abortion decisions.
SD–226

Indian Affairs
Business meeting, to mark up S. 1691, to provide for Indian legal reform.
SR–485

MAY 21

10:00 a.m.
Labor and Human Resources
To hold hearings on genetic information issues.
SD–430

1:00 p.m.
Indian Affairs
To hold oversight hearings on addressing the unmet health care needs in Indian country.
SD–106

2:00 p.m.
Energy and Natural Resources
Energy Research and Development, Production and Regulation Subcommittee
To hold hearings on S. 1141, to amend the Energy Policy Act of 1992 to take into account newly developed renewable energy-based fuels and to equalize alternative fuel vehicle acquisition incentives to increase the flexibility of controlled fleet owners and operators, and S. 1418, to promote the research, identification, assessment, exploration, and development of methane hydrate resources.
SD–366

JUNE 4

2:00 p.m.

Energy and Natural Resources

Forests and Public Land Management Subcommittee

To resume hearings on S. 1253, to provide to the Federal land management agencies the authority and capability to manage effectively the federal lands in accordance with the principles of multiple use and sustained yield.

SD–366

JUNE 11

2:00 p.m.

Energy and Natural Resources

Forests and Public Land Management Subcommittee

To resume hearings on S. 1253, to provide to the Federal land management agencies the authority and capability to manage effectively the federal lands in accordance with the principles of multiple use and sustained yield.

SD–366

OCTOBER 6

9:30 a.m.

Veterans' Affairs

To hold joint hearings with the House Committee on Veterans Affairs on the legislative recommendations of the American Legion.

345 Cannon Building

Daily Digest

Senate

Chamber Action

Routine Proceedings, pages S4603–S4637

Measures Introduced: Five bills were introduced, as follows: S. 2057–2061. **Page S4630**

Measures Reported: Reports were made as follows:

Report to accompany S. 1723, The American Competitiveness Act. (S. Rept. No. 105–186)

S. 1364, to eliminate unnecessary and wasteful Federal reports, with amendments. (S. Rept. No. 105–187)

S. 981, to provide for analysis of major rules, with an amendment in the nature of a substitute. (S. Rept. No. 105–188)

S. 2060, to authorize appropriations for fiscal year 1999 for military activities of the Department of Defense, to prescribe personnel strengths for such fiscal year for the Armed Forces. (S. Rept. No. 105–189)

Report to accompany S. 2037, WIPO Copyright Treaty Implementation. (S. Rept. No. 105–190).

S. 2057, to authorize appropriations for the fiscal year 1999 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces.

S. 2058, to authorize appropriations for fiscal year 1999 for defense activities of the Department of Energy.

S. 2059, to authorize appropriations for the fiscal year 1999 for military construction. **Page S4630**

Agriculture Research, Extension, and Education Reform Act—Conference Report—Agreement: A unanimous-consent time-agreement was reached providing for the consideration of the conference report on S. 1150, to ensure that federally funded agricultural research, extension, and education address high-priority concerns with national or multistate significance, and to reform, extend, and eliminate certain agricultural research programs, on Tuesday, May 12, 1998. **Pages S4616–18**

Missile Defense System: Senate began consideration of the motion to proceed to consideration of S. 1873, 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. **Pages S4618–24**

A motion was entered to close further debate on the motion to proceed to consideration of the bill and, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, a vote on the cloture motion will occur on Wednesday, May 13, 1998. **Page S4618**

Messages From the President: Senate received the following messages from the President of the United States:

Transmitting the report entitled ''Class-Size Reduction and Teacher Quality Act of 1998''; referred to the Committee on Labor and Human Resources. (PM–123). **Page S4628**

Transmitting the annual report of that the National Institute of the Building Sciences for fiscal year 1996; referred to the Committee on Banking, Housing, and Urban Affairs. (PM–124). **Page S4628**

Nominations Received: Senate received the following nominations:

Raner Christercunean Collins, of Arizona, to be United States District Judge for the District of Arizona.

Robert S. Lasnik, of Washington, to be United States District Judge for the Western District of Washington.

Virginia A. Phillips, of California, to be United States District Judge for the Central District of California.

Raymond W. Kelly, of New York, to be Commissioner of Customs.

James E. Johnson, of New Jersey, to be Under Secretary of the Treasury for Enforcement.

Elizabeth Bresee, of New York, to be an Assistant Secretary of the Treasury. **Pages S4627, S4637**

Messages From the President: **Pages S4627–28**

Communications: **Pages S4628–30**

Statements on Introduced Bills: **Pages S4630–32**

Additional Cosponsors: Pages S4632–33

Notices of Hearings: Page S4633

Additional Statements: Pages S4634–36

Adjournment: Senate convened at 12 noon, and adjourned at 6:36 p.m., until 9:30 a.m., on Tuesday, May 12, 1998. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S4636.)

Committee Meetings

(Committees not listed did not meet)

APPROPRIATIONS—DEFENSE

Committee on Appropriations: Subcommittee on Defense held hearings on proposed budget estimates for fiscal year 1999 for the Department of Defense and related agencies, receiving testimony from numerous public witnesses.

Subcommittee will meet again on Wednesday, May 13.

House of Representatives

Chamber Action

Bills Introduced: 4 public bills, H.R. 3824–3827; and 1 resolution, H.J. Res. 118, were introduced. Page H3024

Reports Filed: Reports were filed as follows:

Filed on Friday, May 8, H.R. 2431, to establish an Office of Religious Persecution Monitoring, to provide for the imposition of sanctions against countries engaged in a pattern of religious persecution, amended (H. Rept. 105–480 Part 2);

Filed on Friday, May 8, H.R. 2431, to establish an Office of Religious Persecution Monitoring, to provide for the imposition of sanctions against countries engaged in a pattern of religious persecution, amended (H. Rept. 105–480 Part 3); and

H.R. 2556, to reauthorize the North American Wetlands Conservation Act and the Partnerships for Wildlife Act, amended (H. Doc. 105–522). Pages H3023–24

Speaker Pro Tempore: Read a letter from the Speaker wherein he designated Representative Miller of Florida to act as Speaker pro tempore for today. Page H3017

Guest Chaplain: The prayer was offered by the guest Chaplain, the Rev. Douglas Tanner of Washington, D.C. Page H3017

Presidential Message—Class Size Reduction and Teacher Quality: Read a message from the President wherein he transmitted his legislative proposal entitled "Class-Size Reduction and Teacher Quality Act of 1998"—referred to the Committee on Education and the Workforce and ordered printed (H. Doc. 105–249). Pages H3017–18

Senate Messages: Message received from the Senate today appears on page H3017.

Quorum Calls—Votes: No quorum calls or recorded votes developed during the proceedings of the House today.

Adjournment: Met at 2:00 p.m. and adjourned at 2:39 p.m.

Committee Meetings

HUMAN RIGHTS INFORMATION ACT

Committee on Government Reform and Oversight: Subcommittee on Government Management, Information, and Technology held a hearing on H.R. 2635, Human Rights Information Act. Testimony was heard from Lee Strickland, Information and Privacy Coordinator, CIA; Steven Garfinkel, Director, Information Security Oversight Office, National Archives and Records Administration; and public witnesses.

COMMITTEE MEETINGS FOR TUESDAY, MAY 12, 1998

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Appropriations, Subcommittee on Military Construction, to hold hearings on proposed budget estimates for fiscal year 1999 for the Department of Defense BRAC environmental programs, 10 a.m., SD–138.

Committee on Foreign Relations, to hold hearings on S. 1868, 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, 2 p.m., SD–419.

Committee on the Judiciary, to hold hearings to examine the consequences of raising tobacco prices, 10:30 a.m., SD–226.

Committee on Indian Affairs, to hold hearings on proposed legislation to revise the Indian Gaming Regulatory Act of 1988, focusing on lands into trust for purposes of gaming, 9:30 a.m., SD–106.

NOTICE

For a listing of Senate committee meetings scheduled ahead, see pages E810–11 in today's Record.

House

Committee on Agriculture, hearing to review the 1999 Multilateral Negotiations on Agricultural Trade-Asia and the Pacific, 9:30 a.m., 1300 Longworth.

Committee on Commerce, Subcommittee on Health and Environment, to mark up the following measures: H.R. 2202, National Marrow Donor Program Reauthorization Act of 1997; and H. Con. Res. 171, declaring the memorial service sponsored by the National Emergency Medical Services (EMS) Memorial Service Board of Directors to honor emergency medical services personnel to be the ''National Emergency Medical Services Memorial Service'', 4:30 p.m., 2322 Rayburn.

Subcommittee on Oversight and Investigations, hearing on Management Problems with the Department of Energy's Hanford Spent Nuclear Fuel Project, 1 p.m., 2123 Rayburn.

Committee on Government Reform and Oversight, Subcommittee on Government Management, Information and Technology, oversight hearing on Creating an Office of Federal Management, 10 a.m., 2154 Rayburn.

Committee on the Judiciary, to mark up the following bills: H.R. 3150, Bankruptcy Reform Act of 1998; H.R. 2604, Religious Liberty and Charitable Donation Protection Act of 1997; and H.R. 3736, Workforce Improvement and Protection Act of 1998, 2 p.m., 2141 Rayburn.

Committee on Resources, Subcommittee on National Parks and Public Lands, hearing on the following bills: H.R. 3109, Thomas Cole National Site Act; and H.R. 1390, to authorize the Government of India to establish a memorial to honor Mahatma Gandhi in the District of Columbia, 10 a.m., 1324 Longworth.

Subcommittee on Water and Power, oversight hearing on CALFED, 2 p.m., 1334 Longworth.

Committee on Rules, to consider the following: H.R. 3534, Mandates Information Act of 1998; H.R. 10, Financial Services Act of 1998 (rule only); and H.R. 512, New Wildlife Refuge Authorization Act, 3 p.m., H–313 Capitol.

Committee on Transportation and Infrastructure, Subcommittee on Water Resources and Environment, hearing on Land Between the Lakes Legislation and Small Watershed Projects, 2 p.m., 2167 Rayburn.

Committee on Ways and Means, Subcommittee on Health, to mark up the Veterans Medicare Access Improvement Act of 1998, 3 p.m., 1100 Longworth.

Subcommittee on Trade, to mark up the following bills; H.R. 3644, to amend the Consolidated Omnibus Budget Reconciliation Act of 1985 to provide for the use of customs user fees for additional preclearance activities of the Customs Services; and H.R. 3809, Drug Free Borders Act of 1998, 5 p.m., B–318 Rayburn.

Next Meeting of the SENATE

9:30 a.m., Tuesday, May 12

Senate Chamber

Program for Tuesday: After the recognition of two Senators for a speech and the transaction of any morning business (not to extend beyond 10 a.m.), Senate will consider S. 1046, National Science Foundation Reauthorization, with a vote to occur thereon, following which Senate will recess until 2:15 p.m. for respective party conferences.

At 2:15 p.m., Senate will consider the conference report on S. 1150, Agricultural Research, Extension, and Education Reauthorization Act.

Next Meeting of the HOUSE OF REPRESENTATIVES

12:30 p.m., Tuesday, May 12

House Chamber

Program for Tuesday: Consideration of 13 Suspensions:

(1) H.R. 2886, Granite Watershed Enhancement and Protection Act of 1997;

(2) H.R. 1021, Miles Land Exchange Act of 1997;

(3) H.R. 2217, Colorado FERC Project Deadline Extension;

(4) H.R. 2841, Hydroelectric Project Construction Deadline Extension;

(5) H. Res. 423, Sense of the House Re Winning the War on Drugs to Protect our Children;

(6) H.R. 2652, Collections of Information Antipiracy Act;

(7) H.R. 3723, U.S. Patent and Trademark Office Reauthorization Act, FY 1999;

(8) H.R. 3811, Felony Violations for Failure to Pay Child Support Obligations;

(9) H.R. 2829, Bulletproof Vest Partnership Grant Act of 1997;

(10) H. Res. 422, Sense of the House that Law Enforcement Officers who have Died in the Line of Duty should be Honored, Recognized, and Remembered for their Great Sacrifice;

(11) H. Con. Res. 262, 1998 District of Columbia Special Olympics Law Enforcement Torch Run through the Capitol Grounds;

(12) H. Con. Res. 263, Use of the Capitol Grounds for the Seventeenth Annual National Peace Officers' Memorial Service; and

(13) H. Con. Res. 255, Use of the Capitol Grounds for the Greater Washington Soap Box Derby.

NOTE: The House will meet at 12:30 p.m. for morning hour and 2:00 p.m. for legislative business. No recorded votes are expected before 5:00 p.m.

Extensions of Remarks, as inserted in this issue

HOUSE

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Ney, Robert W., Ohio, E807
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