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House of Representatives

The House was not in session today. Its next meeting will be held on Tuesday, September 22, 1998, at 10 a.m.

Senate

MONDAY, SEPTEMBER 21, 1998

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, Creator of the world, Ruler over all life, our Adonai, sovereign Lord of our life, we join with our Jewish friends in celebrating Rosh Hashanah, ''the head of the year,'' the beginning of the days of awe and repentance, a time of reconciliation with You and with one another. We thank You that we are united in our need to repent, to return to our real selves for an honest inventory, and then to come back to You with humble and contrite hearts. Forgive our sins of omission: the words and deeds You called us to do that we neglected, our bland condoning of prejudice and hatred, and our toleration of injustice in our society. Forgive our sins of commission: the times we turned away from Your clear and specific guidance and the times we knowingly rebelled against Your management of our lives and Your righteousness in our Nation. Sound the shofar in our souls; blow the trumpets; and wake our somnolent spirits. Arouse us and call us to spiritual regeneration. Awaken us to our accountability to You for our lives and the leadership of this Nation. We thank You for Your atoning grace and for the opportunity for a new beginning.

Help the Jews and Christians called to serve in this Senate, the Senators' staffs, and the whole support team of the Senate to celebrate our unity under Your sovereignty and to exemplify to our Nation the oneness of a shared commitment to You. In Your holy Name. Amen.

RECOGNITION OF THE MAJORITY LEADER

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

Mr. LOTT. Thank you, Mr. President, and congratulations to you. I understand one of your sons was married this past weekend, and we wish him much happiness in the future.

The PRESIDENT pro tempore. Thank you.

SCHEDULE

Mr. LOTT. Mr. President, this afternoon, the Senate will be in a period for morning business until 2 p.m. I know there are Senators who wish to speak during that time. Senator CRAIG is here. Following morning business, the Senate will resume consideration of S. 1301, which is the Consumer Bankruptcy Protection Act.

As announced previously, there will be no rollcall votes during today's session out of respect for the Jewish holiday. Members are reminded that a cloture motion was filed on Friday to the committee substitute to the Child Custody Protection Act. Therefore, Members will have until 1 p.m. today to file first-degree amendments. The next rollcall vote will occur at approximately 2:20 p.m. tomorrow on or in relation to the Kennedy minimum wage amendment.

Further votes are expected to be stacked following the minimum wage vote and then continue into the evening as the Senate attempts to complete action on the bankruptcy bill. All Members will be notified as to the time and number of votes during Tuesday's session as that information becomes available.

Again, we will have a vote or votes, possibly as many as two or three, beginning at 2:20 p.m. and other votes in the afternoon, plus we will have, hopefully, final passage on bankruptcy reform and the cloture vote on child custody. Tuesday morning, we will announce the schedule for the remainder of the week as best we can determine it, but that takes a lot of cooperation from Members on both sides of the aisle.

I yield the floor, Mr. President.

MORNING BUSINESS

The PRESIDING OFFICER (Mr. GRAMS). Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 2 p.m. The time until 1 p.m. shall be under the control of the Senator from Idaho, Senator CRAIG, or his designee, and the time until 2 p.m. shall be under the control of the Senator from North Dakota, Mr. DORGAN, or his designee.

Mr. CRAIG addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho.

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

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THE ADMINISTRATION'S POLICIES

Mr. CRAIG. Mr. President, I have requested to speak in morning business to talk about our President's policies, to talk about this administration and the policies that impact all Americans.

As we know, the Senate has convened at a very interesting, unique, if not sad, day in the history of this Nation's Presidency. I will not dwell on that. It would be very inappropriate for me to do so. What I do want to talk about is an agenda that we have attempted to handle appropriately on the floor for the last several weeks; that is, to do the business of this Congress and to do the business of Government, to move the appropriations bills in an orderly fashion as our public and as the citizens of this Nation expect of us.

For the last 2 weeks, we have attempted to deal with an appropriations bill appropriating money to the Interior Department and to its ancillary agencies, to in large part administer policy and manage the public land resources of this country. But anyone watching, and certainly the majority leader, who just left the floor, knows how frustrating it has been in an attempt to responsibly move this legislation, only to have our colleagues on the other side of the aisle largely oppose it. Oppose it because within the bill are corrective measures that reflect an attempt to adjust the misguided policies of this administration as it deals with our public land resources.

We have made proposed changes. Why? Because the people of the public land West are saying, ''No longer does this administration reflect our interests or our concerns or our economies.''

Why am I speaking uniquely to the West? The appropriations bill largely deals with western public land and States' interests. But in my State of Idaho, where 63 percent of the land base is owned by and managed by the Federal Government, public land policy is critical, and mine is only a 63-percent ownership. In other States, like Nevada, it is much higher. So goes the Federal Government, so manages the land, so goes the economy and the lifestyles and the character of those States.

I would like to spend the next few minutes discussing those policies and our concern about the attitude of this administration as it has impacted our policies.

The provisions that I am talking about in the appropriations bill, if we can ever get back to it, are necessary, in my view, and appropriate, because many of us feel this administration has gone around Congress, the States and the local officials in an effort to place broad restrictions on the use of public lands for productive economic use, such as mining and forest products and grazing and even recreation. Recreation, a relatively benign use of the public land, is now being shaped, directed and oftentimes characterized by new policies of this administration. We believe strongly that the provisions that we have placed in the Interior appropriations bill are necessary, as I mentioned earlier, to block the administration's arrogant abuse of power and its failure to acknowledge that our States ought to have a say in the use of our natural resource bases.

During the past 175 years, the United States has undergone an astonishing period of physical and economic growth. We acquired the Louisiana territory, bought Alaska from the Russians, and fought a war with Mexico over the Southwest and California. During that time, Americans moved westward, pursuing dreams of economic independence and the opportunity to raise their families in a new land.

Our Government encouraged the westward movement of these hardy people by creating opportunity through the Homestead Act or the Timber and Stone Act or the mining law of 1872. These statutes, and others, were designed to encourage people to seek a new life, to build the wealth of a nation by developing its vast store of natural resources. And the effort was successful beyond any nation or any people's wildest dreams and imaginations.

Thousands of American farmers and shopkeepers and clerks and grocers and professionals took up the challenge and moved West. They busted the sod of the central plains and established an agricultural wonder, the breadbasket of the world, never known before by man. They established enormous cattle and livestock operations from Texas to Kansas and Montana and throughout the Rocky Mountain States, including my State of Idaho.

Thousands of prospectors fanned out across the West in search of gold, silver and other minerals. What these early miners found at Sutter's Mill in California or at Telluride in Colorado or at Silver City in Nevada or in the Boise Basin of Idaho, and hundreds of other boomtowns across the West, galvanized the Nation.

Thousands more ordinary Americans got caught up in the gold rush, too. Most were not successful in finding their bonanza. Instead, they formed the backbone of the new West because they brought other skills and talents with them. These are the people who built the great cities of Denver, Salt Lake City, Boise, Helena, Houston and San Francisco. They became the merchants, the bankers, the doctors, and the educators who helped ensure the success of the intermountain and the coastal west.

These Americans built the great transcontinental railroad to bring additional settlers into the growing cities and towns and to move the exploding basket of western-produced goods to the markets of the East.

Throughout the balance of the 19th century, as well as the 20th century, both Federal and private lands in the West contributed mightily to the economic success of our great Nation. In addition to gold and silver, deposits of lead, nickel, molybdenum, iron, and other minerals were discovered and developed.

In the 1920s and 1930s, oil and natural gas deposits were found in Colorado, Wyoming, Montana, Utah and New Mexico. And, of course, the forest products and the livestock industries continued to grow and to prosper providing building materials and food for our growing Nation.

These achievements were not realized by the U.S. Government but by the women and the men who accepted the challenge who had the vision and who had the courage. They took enormous risks. And with their lives and with their fortunes they built new businesses, opened mines, started ranches and farms, and began new lives and created a new culture, a tradition, a western culture tradition, based on wise and sustainable use of the land and its resources.

Mr. President, I can talk about this firsthand. My own family is a part of that tradition of independence and determination. One hundred years ago next year, my grandfather set foot in Idaho and took advantage of the Homestead Act and began to build a ranching operation that flourished and raised a family with that ranching operation to be passed on to a future generation.

The western tradition recognized the value of land and its resources and the need to husband those resources carefully and sustainably. No one can honestly believe that we who live on and depend on these precious lands would seek to strip them of all of their values and deny their use and their beauty to the rest of Americans. You see, my granddad taught my father that tradition; and my father taught me that the land was a sacred resource that should be managed wisely.

Indeed, with forest products, mining, oil and gas production, and other forms of resource-intensive multiple uses in place, recreational opportunities began to flourish, began to increase. More and more Americans are coming to enjoy the natural beauty and the resources of the intermountain West. They come to enjoy our hunting and our fishing, our sightseeing, our camping, our mountain climbing, and to just be plain quiet; in other words, to search for and find solitude.

These opportunities were once available only to those of us who lived in these great States of the West—the Idahos and the Wyomings and the Montanas and other Rocky Mountain and Pacific States—or to the wealthy who could afford the time and expense associated with recreational journeys to our States.

Now our recreational-based economies have grown greatly and are supplementing our traditional economies devoted to forest products harvest, mining and agriculture. In fact, last year about 8.1 million visitors came to my State of Idaho alone. That

is more than six times my State's population of 1.2 million.

Federal law acknowledges and encourages the diverse activities that take place on the lands about which I have talked. It has formalized the concept in a policy called multiple-use which was defined in the Multiple-Use Sustained Yield Act of 1960 to mean managing the natural resources in our public forests for the combination of uses that best meet the needs of the American people. It has long been recognized that multiple-use policy is in the best public interest because it enables the resources to continue to produce benefits while conserving the value of that resource.

Mr. President, while all of this suggests the western public land States are enjoying a life of beauty and economic success, I want to let my colleagues and the rest of America know that we in the West are facing a terrific threat. Unfortunately, that threat is our own Federal Government and the policies of this administration.

When the current administration took office, the Federal agencies responsible for managing Federal lands began an all-out assault on the concept of multiple-use in favor of preservation and limited use. They have relentlessly pursued a philosophy of returning these lands to something they call ''presettlement conditions.''

They have shut out local governments from land use planning decisions. They have reduced Federal land managers to messengers delivering land use policy decisions from Washington, DC, down to the local level, as if Federal authorities here know best how to manage specific tracts of Federal forest or other Federal land units.

This arrogant behavior is not occurring just in Idaho but it is represented and reflected across the public land States of the West. The Forest Service is proposing to limit boating experiences on the Snake River in Idaho. The Service is trying to remove from use thousands of acres of grazing land in Arizona and New Mexico through a concept and a contract with environmental groups, ignoring current permittees and State governments and the historic laws and policies formulated and passed by Congresses and by this Congress.

Also, having been denied the opportunity to shut down the mining industry by Congress' refusal to accept punitive changes in the mining law of 1872, Secretary Babbitt has stopped new mining activities on public lands by slowing the permit process to a crawl. And when he must operate within the context of the current law, he hops on a soapbox on Wall Street and demagogues the very action that the laws require him to take. As a result, no new jobs are being created and no new revenues are coming to either the States or the Federal Treasury.

Mr. President, some Federal use managers and national environmental groups also have stymied local efforts to resolve disputes over how to manage Federal lands. A group called the Quincy Library Group, encompassing forest product company employees and local authorities and environmentalists, developed a plan to protect roadless areas and old growth areas in the Plumas and Lassen National Forests in northern California while still allowing selective cutting on about 240 million board feet of forest products.

The Forest Service dragged its feet, would have nothing to do with the concept or the idea. It had to be changed here by the legislative effort. And let me tell you how popular it was. It passed the House by a 429–1 vote. It is pending here in the Senate. The administration was dragged into it kicking and screaming because the public outcry for the support of this balanced policy was so great.

Mr. President, another example of the arrogance of this administration's approach to land use policy is its decision to declare by proclamation a new unit in the protection category of Federal lands, the Grand Staircase Escalante National Monument. If you haven't heard about this, you haven't been listening to the cries coming from the West. The President unilaterally took 1.7 million acres of Federal and State land and included these acres in a new monument without consulting any of Utah's elected officials—not one, not Senator BENNETT nor Senator HATCH nor Utah's three Members in the House, not Utah's Governor. In fact, no one—well, except a few local environmental groups—knew of the President's plan, the plan that we only heard about when he stood on the banks of the Grand Canyon to proclaim it on the eve of his last election.

Now, as chairman of a Public Lands Subcommittee here in the Senate, I held hearings on a Utah wilderness bill. The State of Utah had worked to incorporate all interests, from the grassroots to the very highest levels of their Federal delegation, to try to preserve this area. They had been working on the way that public policy should appropriately be formed. Yet the President, with the sweep of a pen and the denial of local input, decided that he alone would lock up this land.

At a hearing on May 1, 1997, on legislation introduced to make sure that the President keeps his promise he made to Senator BENNETT, Louise Liston of Garfield County, UT, the local community elected commissioner said:

> We feel that the creation of this monument was deliberately fabricated behind closed doors without consulting or notifying any member of the Utah congressional delegation, the Governor, or any local official. I have no doubt that history will single it out as the best or perhaps I would say the worst example of the entire Clinton Presidency of irresponsible and indefensible policy making in the natural resource area. I certainly would hope that we do not see anything worse in the next 4 years.

I could go on and on with examples, and there are many. However, several of our colleagues have now joined me. I know they have other topics to visit that demonstrate the misguided positions of this administration.

Mr. President, I turn to Senator SESSIONS.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. I thank the Senator from Idaho for sharing this information with us. I have, of course, in the course of my tenure as Senator in the last 2 years, had some of the same experiences in Alabama with plans for managing Federal lands. I believe we can do a better job of it. I thank him for sharing that with us.

This morning, the President has appeared at the United Nations and spoken to that body. While he is there, I hope he will take the time to take a second look at his proposal to build a new United States mission office at the United Nations.

The Environmental and Public Works Committee, on which I serve and which deals with public buildings, had hearings last week and was asked to approve a resolution which would allow funding to be provided to design a new Federal building to house the U.S. mission to the United Nations. The Clinton administration's proposal makes clear that frugality and respect for the taxpayers' money is not a part of this plan.

The current building, which is just 40 years old, is located at 799 United Nations Plaza, just across the street from the U.N. building in New York. The prospectus, the proposal, of the General Services Administration, who had managed the building of the new structure, requests our committee to approve a plan that would call for the demolition of the existing building and the construction of a new building which would be the most expensive office building per square foot the U.S. Government has ever built.

I asked Ambassador Burleigh and the representative from GSA about this. They did not dispute my assertion that this would be, in fact, the most expensive office building in history. According to the General Services Administration, the U.N. mission building total project costs for the 141,000-square-foot building would amount to $53 million, or $378 per square foot.

However, this estimate does not tell the whole story. The rest of the story is that there is another part of the Federal Government that will be contributing to this situation. The State Department is seeking an additional $24 million to spend on security, telecommunications, and the overall State Department oversight of this construction. These additional costs will bring the total project costs for this United States mission—which is really an office building—to the United Nations to at least $77 million, or a whopping $548 per square foot.

To put $548 per square foot into perspective, consider that the Islip, NY, courthouse, complete with all kinds of

security features to keep judges and juries and defendants separate within its halls, came in with a total project cost of $262 per square foot, and that was extraordinarily expensive.

The Foley Square Court House in New York City, accused by many to be grossly overpriced and a waste of taxpayers' money, has a record project cost of $440 per square foot.

Now, courthouses are somewhat expensive. They are and should be august buildings. Courtrooms have to have high ceilings. You don't want a big courtroom looking like a little office space. You do need to have some marble, good paneling, big courtrooms. Every judge needs a courtroom to try the case and do the people's business. So courthouses are not really good comparisons to an office building because they ought to be more expensive. But this $548 exceeds any Federal courthouse expenditures we have.

Now, they say, this is in Manhattan and real estate is expensive there and that explains the cost of this building. But that is not so because we already own the land. This land was given to the United States for the U.S.-U.N. mission office by the Rockefeller family many years ago. So we have no real estate costs in this project.

The U.S. mission to the U.N. building would be 141,000 square feet; the occupiable square footage, according to General Services Administration and the Department of State, would be 107,000 square feet for its 292 current employees. Now, that would amount to 366 square feet for each employee. My colleagues should note that in our offices here in the Russell, Hart, and Dirksen Buildings, we have a number of employees and we have a lot of visitors. Our occupiable square footage—and we have checked it for my staff and myself—is 131 square feet per employee. That is about one-third of what they are asking for in New York, and they are spending $548 per square foot.

Before we move ahead and authorize the construction of the most expensive building ever constructed by the taxpayers that I am aware of, a mere office building, we need to be certain that this tremendous expense is justified and that all other options—including maybe releasing some space nearby for certain parts of the operation, if they need more space or renovation, if that is the appropriate thing, they have been examined closely and have proven not to be workable, and that there is no other way to build this building for less cost. I can't imagine there would not be. Just because the staff at the United Nations are involved in important issues does not mean they are masters of the universe and does not mean that they are entitled to palatial accordance.

Most of us in our personal lives have to deal with housing that is less than we desire. Our offices have to be less than we wish we could afford. Families and businesses all over America have to make tough choices. Working Americans do it every day. They ask whether they should buy a house with that one more bedroom so their children won't have to share a bedroom. They worry about that kind of thing, and rightly they should. They are frugal, they work hard, and they have a huge tax burden. Our people have to work until April, or later, every year just to pay their taxes—before they even start making money for their own families.

I think we have a responsibility. I ran for office just 2 years ago and I traveled all over my State of Alabama and talked to people. They are willing to pay some money up here and send tax money up here, but they want it used wisely. They want it to be used—if we have a surplus—to strengthen Social Security and pay down our debt. They want us to give them some tax relief. They don't want us to be spending this kind of money on office space when we don't need to. I believe it is a very important issue. And I see other buildings of that kind.

We have the Patent Office Building that is coming in and coming through our committee at an extraordinary cost in itself, and it is right here in Washington, DC. I think we are going to have to give a real hard look at the Patent Building. A lot of people are concerned about that.

People have raised a lot of concern about the $400 million cost overrun on the big Reagan Office Building here in Washington, DC. It is a magnificent building, but it was expensive. I just had the numbers on it. It is right here, three blocks from the White House, which is some of the prime real estate in America. In this Reagan International Trade Center Building, which will house nearly 7,000 Federal employees, the concrete used in the building would pave 106 miles of a two-lane highway. The atrium ceiling, with 1,240 pieces of glass, is 125 feet high. The basement is 7.7 acres. That building comes in at $264 per square foot, which is less than half of what they are talking about for a little office building in New York City, and it would house 7,000 employees.

So, Mr. President, these are matters that symbolize to the American people whether or not we in this Congress are managing their money wisely. It is a solemn commitment, a deep commitment that I have, and I hope every Member of this body has, and the President ought to have—how we are going to manage their money, and manage it wisely, is a responsibility that is deep.

I wish that all Americans could have a nice home. I wish every American could have a mansion. They won't have it in this life, but I wish it were possible. But we have to make compromises with reality. We don't have enough money to do everything we would like to do.

Mr. President, I will just say this. The President is in New York today. I hope he has had an opportunity to review this proposal that is being sent forward. I believe our committee, which may be voting on it this week, needs to give it a very hard look. I, for one, have not been convinced at all by our hearing last week that this is justified. I intend to do all I can—and I think others will join—to make sure we don't rush into this kind of boondoggle and take money from decent, hard-working Americans to fund a palace at the site of the United Nations.

I yield the floor.

Mr. CRAIG. Mr. President, I want to tell Senator SESSIONS how well he serves the taxpayers of our country and this Congress for bringing these issues to the floor. We do not, at a time of fiscal austerity and attempting to balance the budget and stabilize Social Security and strengthen it for the future and give some tax cuts, need to be committing ourselves to the building of palaces. I appreciate him bringing that issue to the floor, again, in the theme that there are other practices of this administration that deserve to be brought to the forefront for the American people to understand.

Let me turn to the Senator from Ohio, Senator DEWINE.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. DEWINE. Mr. President, let me begin by thanking my friend and colleague from Idaho, Senator CRAIG, the chairman of the Senate Republican Policy Committee, for arranging this opportunity to address some of the key accomplishments of the 105th Congress.

In just a matter of weeks, we will close the curtain on a productive and arguably historic Congress. Certainly, our most significant achievement was passage of the first balanced budget plan in a generation. Few pundits took us seriously when the Republican Congress came to power pledging to balance the budget by 2002. We were not only serious, but we're on the verge of success. A strong U.S. economy, spurred in part by a Congress committed to ending runaway deficit spending, has brought us to a balanced budget four years ahead of schedule. Now, for the first time, we're having debates on government surpluses, not government deficits.

We've changed the debate on taxes as well. Last year, we passed the first real tax cut in 16 years. We provided a $500-per-child tax credit for working families; inheritance tax relief; capital gains tax relief; flexible individual retirement accounts (IRAs) to encourage savings; and Alternative Minimum Tax relief for all businesses—large and small. And we're far from finished. We're on the verge of putting an end to the marriage penalty, and giving small business owners and family farmers the ability to fully deduct health insurance—something that is long, long overdue. And I know the current occupant of the Chair has been very much involved with that throughout the years.

We've not only changed the Tax Code, we've also reformed the tax collector. Our IRS reform bill will put a

stop to IRS abuses against law-abiding citizens, create an improved management structure for the IRS, and establish new protections and rights for all taxpayers.

Ours has been an agenda designed to make a difference in the lives of ordinary Americans. I'd like to talk about three achievements I have focused on—issues that will improve and save lives, and further move our country forward.

JOB TRAINING

Let me begin with our long-overdue—and far-reaching—reform of our job training system.

Since coming to the Senate in 1995, I have devoted a great deal of my time to job training reform. Last month, these efforts paid off when the President signed our bill into law. I am convinced that its enactment came not a moment too soon.

Our economic future depends on a well-trained workforce. Employers at every level are finding it increasingly difficult to locate and attract qualified employees for high-skilled, good-paying jobs—as well as qualified employees for entry-level positions.

Right outside Washington, DC, in northern Virginia, 19,000 high-tech jobs remain unfilled because individuals lack the skills to fill them. However, even with this shortage here, I hear radio ads during my morning drive urging people to move to North Carolina to fill high-tech jobs there.

My home state of Ohio faces a similar challenge. Manpower Incorporated recently released a poll which indicated that the Dayton area had a bright future in terms of job growth: 42 percent of area companies plan on hiring more manufacturing workers. However, the availability of skilled workers to fill those jobs remains low.

And, according to the Manufacturers Alliance's Economic Report published in January, the mismatch between available jobs and available skilled workers is growing. While wages have increased for those who have the skills in demand, many jobs still go unfilled and the median duration of unemployment for those who lack the skills remains at recession levels.

Nationwide, the number of unfilled high-tech jobs is estimated to be 350,000. The increasing labor shortage threatens our Nation's economic growth and productivity.

Clearly, we need to do much more to prepare America's workers for tomorrow's jobs. The problem is our job training system is not simply up for the challenge. That is what our bill aims to address.

The current system is a fragmented and duplicative maze of narrowly focused programs, administered by numerous Federal agencies that lack coordination, lack a coherent strategy to provide training assistance, and lack the confidence of the two key consumers who use these services—workers seeking training, and businesses seeking to hire them.

That's why our reform bill is so important. It will fundamentally reform our ineffective job training programs, transforming them into a coordinated, accountable, and flexible workforce investment system.

The historic 1996 welfare reform bill was based on the principle that power ought to be devolved to States, communities, and individuals. It should go back to the local community. Our job training bill represents the final, essential chapter of welfare reform, by empowering States and localities—giving them the tools and flexibility they need to implement real reform, reform that will allow them to move people off welfare and into good-paying permanent jobs.

The bill promotes free market competition, eliminates government bureaucracy and promotes personal responsibility. It provides training assistance through individual training accounts or vouchers, in order to allow individuals seeking assistance to have a say about where, how, and what training they will receive. These programs should be tailored to individual needs, not to Washington bureaucracies.

This legislation will help real workers and real businesses build America's economy. One major Ohio newspaper called it ''a bill that works.'' That's exactly right. The Congress can be very proud of this legislation.

SAVING KIDS

Let me now turn to a second piece of very important legislation this Congress can be proud of.

I might say this is a piece of legislation that my colleague from Idaho, LARRY CRAIG, was so very instrumental in getting passed. I don't think it is really a stretch at all to say that but for LARRY CRAIG this bill would not have been law—would not have been passed by this Congress, and would not have been signed by the President.

Let me tell the Members a little bit about it.

Last November, we passed a bill that will enable more of America's children to grow up in safe, stable, loving, and permanent homes.

Far too many children are spending their most important, formative years in a legal limbo that denies them their chance to be adopted—that denies them what all children should have—the chance to be loved and cared for by parents.

We are also sending too many children back to dangerous and abusive homes. We send them back to the custody of people who have already abused and tortured them.

Every day in America, three children actually die of abuse and neglect at the hands of their parents or caretakers. That's over 1200 children every year. And almost half of these children are killed after their tragic circumstances have come to the attention of child welfare agencies.

Why is this happening? Obviously, many factors are to blame. There are many excuses. But as we were working on our bill, it became increasingly clear that some of the tragedies in the child welfare system are the unintended consequences of a small part of a 1980 Federal law. Under this law, for a state to be eligible for federal matching funds for foster care expenditures, the state must have a plan providing that ''reasonable efforts will be made (A) prior to the placement of a child in foster care, to prevent or eliminate the need for removal of the child from his home, and (B) to make it possible for the child to return to his home.'' These are ''reasonable efforts.''

In other words, no matter what the particular circumstances of a household may be—the state had to make reasonable efforts to keep it together, and to put it back together if it falls apart.

There is strong evidence to suggest that in practice, reasonable efforts have become extraordinary efforts. Efforts to keep families together at all costs.

Our bill changed the law in order to change this practice, to make it absolutely clear that the best interests of the child come first. This new law simply states: ''In determining reasonable efforts, the best interests of the child, including the child's health and safety, shall be of primary concern.''

With this new law, Congress put children first. This is a law that I believe will truly save young lives. It is a law that Congress should be very proud of.

WAR ON DRUGS

Finally, let me turn to the third item of which I think this Congress can be very proud. I would like to talk about the progress Congress has made in saving young lives from the often fatal scourge of illegal drugs.

Last year, I joined with my friend from Iowa, Senator GRASSLEY, and my Ohio House colleague, Congressman ROB PORTMAN to introduce and pass the Drug-Free Communities Act which supports community-based initiatives to educate children about the dangers of drugs. Youth substance abuse has more than doubled in the past five years. We must do more to protect our children from this threat to their health and safety. We believe that this bill will strike a major blow for our children's interests by empowering the people who work with our children on a daily basis, at the grass roots, at the community level in our neighborhoods.

Drug prevention is an important element of any comprehensive children's health policy. And in the long run, treatment and education is our best investment in getting serious users off drugs. However, to be successful now and over the long term, we need a balanced anti-drug strategy. We must have a strong commitment in each of the following areas: prevention, treatment, education, domestic law enforcement, and international eradication and interdiction efforts.

Over the last few years, our efforts to keep drugs from coming into the country have been lagging seriously behind the other components of our drug

strategy. And the results of this imbalance—this lack of emphasis in international eradication and interdiction—has been devastating: A decline in cocaine seizures, a decline in the price of cocaine, and an increase in drug use. This alarming trend has to change, and requires leadership here in Washington. While drug education, treatment and domestic law enforcement are efforts done at the federal, state, and local levels, the Federal government is solely responsible to keep drugs from entering our country.

That is our responsibility solely, and it cannot be shared. And if we in Washington fail to do our job outside the country, we're making it far more difficult and far more costly for state and local governments to do their part.

This past July, Congressmen MCCOLLUM and HASTERT, and Senators COVERDELL, GRAHAM, GRASSLEY, and I introduced the Western hemisphere Drug Elimination Act—legislation designed to restore a balanced drug control strategy, and revive our sole responsibility to stop drugs from reaching our borders. This legislation calls for an additional $2.6 billion investment in international counter-narcotic efforts over 3 years. Specifically, the bill calls for a comprehensive eradication, interdiction and crop substitution strategy. The objective is to dramatically reduce the flow of drugs into the United States by driving up the price of drugs and hence reducing drug consumption. I believe that through this legislation, we can accomplish this very important goal.

We have to make it far more difficult for drug lords to bring drugs to our nation, and make drugs far more costly to buy. We need to raise the cost of doing business for drug traffickers.

Our bill would do this. It was passed by the House of Representatives just last week, and I have been working with my fellow cosponsors here in the Senate to increase funding for drug interdiction programs during the current appropriations process.

This effort is one key example of how this Congress has made a huge difference in the lives of America's children.

Mr. President, all of the measures I have just discussed have one thing in common: They are components of an overall vision of what our country can be—the kind of country our children deserve. I am very proud to have been a part of all these efforts, and I look forward to making further progress on these and other issues as we continue to make a positive, lasting difference in the lives of all Americans in the 106th Congress.

Again, I thank my colleague from Idaho for arranging the time, and I congratulate him for the role he has played in all three of these bills and these efforts. I yield the floor.

Mr. CRAIG. Mr. President, I thank my colleague from Ohio for those kind remarks. If it had not been for his leadership in the key areas he mentioned, we would not be dealing with them in the way this Congress is now and should be. These are the kind of programs that directly impact the lives of many of our citizens, and Congress should be aggressively pursuing many of the projects and pieces of legislation that the Senator from Ohio has discussed.

I now turn to Senator GRAMS from Minnesota who, I understand, wants to talk to us about tax cuts.

The PRESIDING OFFICER. The Senator from Minnesota.

TAX CUTS AND THE GOOD GOVERNMENT AMENDMENT

Mr. GRAMS. Mr. President, I rise today to talk a little bit about tax relief and the obligation I feel this Congress has to the American people in the remaining days of this session.

I also compliment the Senator from Alabama, who now occupies the Chair, for talking about the need to be better stewards of the tax money we do collect from Americans today.

Instead of beginning with the American experience, I will start overseas for just a moment, and that is in Japan.

After years of rapid economic growth, which many called an ''economic miracle,'' Japan's economy is now stagnating. To a large degree, the sickening Japanese economy has dragged the world economy down with it.

The U.S. government has been pushing Japan to pursue vigorous reforms to boost the economy again. One of the recommended measures is tax relief. President Clinton and Secretary of the Treasury, Robert Rubin, have repeatedly asked Japan to permanently reduce its income tax. As a result, the Japanese government proposed a tax cut of 7 trillion yen, but it is now suggested that this tax relief is too small and that deeper cuts are needed. I think this is a sound policy and the right approach to helping cure Japan's ills and I commend the administration for such advice. I just wish they would have that same advice for Congress. The question is, if tax relief will work for Japan as it has worked for many other countries, including our own during the Reagan administration, why do we not we pursue that same policy here in this country once again?

Mr. President, what these two events tell us is, first, the Federal tax burden has grown too high, too ridiculous. And second, the best solution to maintaining economic growth in this country is tax relief.

We have debated this issue in this Chamber again and again and the conclusion is clear to me: a high tax burden distorts economic behaviors. It discourages work, saving, and investment. It slows productivity and growth and decreases our competitiveness. Tax relief, on the other hand, does just the opposite. It will benefit millions of American families and will keep our economy healthy and strong.

Mr. President, I firmly believe that it is still critical to provide meaningful tax relief for the American people this year. The average American family today spends more on taxes than it does on food, clothing, and housing combined. A typical median-income family can expect to pay nearly 40 percent of its income in Federal, State, and local taxes. This means more than 3 hours of every 8-hour working day are dedicated just to paying taxes. In 1996, an average household with an annual income between $22,500 and $30,000 paid an average of $9,073 for food, clothing, and housing, and paid $11,311 in total taxes. Households with incomes ranging from $45,000 to $60,000 averaged $16,043 for basic necessities, and paid the tax collector $25,276.

If the ''hidden taxes'' that result from the high cost of government regulations are factored in, a family today gives up more than 50 percent of its annual income to the Government.

When the Government takes more, families get less. Between 1989 and 1995, the typical American family's real income fell by 5.2 percent. Most economists point out that the decreased income was the result of slow economic growth, a direct result of higher Federal taxes.

The American taxpayers desperately demand real tax relief and reform. They ushered in a new congressional majority in 1994 on our pledge that we would provide that relief. While we have delivered on a portion of our promises, much work remains to be done. Reforming the tax system for the taxpayers who sent us here begins with cutting their taxes. Our mission has not yet been completed.

We should not walk away from our obligation to the American taxpayers to pursue a Federal Government that serves with accountability and leaves working families a little more of their own money at the end of the day. We must pass meaningful tax relief this year.

In the next 5 years, for example, the Federal Government will take in more than $9.4 trillion from the pockets of the American people. The Congressional Budget Office has projected that in the next 10 years, we will have a $1.6 trillion budget surplus. Even after excluding the Social Security surplus, we will still have a surplus of $169 billion. The Government has no claim on any surplus because the Government did not generate it—it will be the result of the hard work of the American people, and it therefore should be returned to them in the form of tax relief.

I agree that reforming the Social Security and Medicare programs to ensure their solvency is vitally important. Any projected budget surplus should be used partly for that purpose. Yet, I believe strongly that the surplus alone will not save Social Security and, therefore, fundamental reform is needed to change it from a pay-as-you-go system to a fully funded one.

What truly bothers me, Mr. President, is Washington's continuation of

its tax-and-spending policies. Despite a shrinking Federal deficit, the Government is getting bigger, not smaller. Total taxation is at an all-time high. So is total Government spending.

The White House and my colleagues have been talking about fencing off the budget surplus to save Social Security, but even as they talk, they continue to spend this budget surplus. Before the surplus even materialized, Washington had already spent $6 billion of it in the last supplemental bill. It is reported that another proposed supplemental bill will spend another $18 to $20 billion of this budget surplus.

Mr. President, when it comes to Federal spending, Washington rarely asks how the American taxpayers can afford to give up more of their income to Government, and how such excessive spending will affect a working family's budget and finances. Equally upsetting is the fact that when it comes to tax relief, Washington is always reluctant to act. Congress even goes so far as to require the tax cut advocates to pay for any tax relief via Washington's PAYGO rule that requires increasing taxes in order to cut taxes. Increase taxes on some Americans so we can get tax relief to others, but that is the only way that the system can work. Nothing is more ridiculous than this requirement of the PAYGO rule. We must repeal it so we can shrink the size of the Government and we can let working families keep more of the money they earn, to spend on their priorities—not Washington priorities.

Washington's tax-and-spend policies have systematically ignored our children's future and severely undermined the basic functions of the family. We must abandon those policies and help restore the family to an economic position capable of fulfilling its vital responsibilities. Therefore, we must provide American families with meaningful tax relief, allowing them to keep more of their hard-earned money.

I commend our colleague in the House, Chairman ARCHER, Chairman of the Ways and Means Committee, for his so-called ''90–10'' plan. The proposed plan includes many good tax relief measures that will help working Americans. I think this is a step in the right direction.

However, there are two things in the proposal that concern me.

First, the proposed $80 billion in tax relief over 5 years is just too small, compared with the possible budget surplus and total government spending.

By the way, an $80 billion surplus, or $80 billion in tax relief, over the next 5 years amounts to about $4 per person per month. That is not real tax relief, that is token tax relief. We need to do more.

It leaves only $30 billion for relief of the $150 billion marriage penalty tax, and this means millions of American couples will continue suffering from this tax injustice. We can and should do better.

Second, I do not have any problem at all returning some of the budget surplus to the taxpayers. In fact, I have argued repeatedly that the budget surplus should be returned to the taxpayers in the form of tax relief, Social Security reform and debt reduction. But what bothers me is that the proposed plan does nothing to reduce Government spending. In fact, we are talking about spending billions of dollars of the surplus in a supplemental spending bill this year. I believe we should cut the Government's wasteful programs and overhead, and let the taxpayers benefit from a more efficient, effective Government.

In the next few weeks, I will work with my colleagues to improve the House tax bill and deliver tax relief at the highest possible levels to America's families.

My final point is that we must pass a contingency plan to avoid a future government shutdown, and we must do it this year.

I have asked both the Senate majority and minority leaders several times to honor the commitment they made during the consideration of last year's disaster relief legislation to support an automatic CR to avoid a Government shutdown. But so far there is little interest in this good Government legislation. We need to pass that.

And here we are again, with just a few weeks left in this session, with only one appropriations bill signed into law. Clearly, we will not have a budget conference report this year, and I sincerely doubt we will complete all the appropriations bills before this fiscal year ends.

So tell me—do you not think we need a contingency plan, something to avoid the end-of-session battles that often result in more government spending?

Different priorities on spending and tax cuts often prevent us from completing all of the appropriations bills. Competing policy differences, particularly during an election year, make our budget and appropriations process more uncertain.

We need a contingency plan to avoid a government shutdown. There are essential functions and services of the federal government we must continue regardless of our differences in budget priorities.

Mr. President, I will wrap this up quickly. I know our time is running out. But let us not hold the American people hostage because of disagreement in Washington. I urge the leadership to support a sizable tax cut this year and take up the good Government legislation that would prevent a shutdown.

Thank you very much. I yield the floor. I thank the Senator from Idaho for securing this time for us to be able to talk this morning.

Mr. CRAIG. Mr. President, I ask unanimous consent that the majority side be allowed to continue until 1:10.

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

Mr. CRAIG. With that, I thank my colleague from Minnesota for that excellent speech. In my opinion, he is right on about the effective use of a surplus to grant tax relief and to shore up the Social Security system to reform it. Clearly, we have to hold down on the issue of supplemental spending.

With that, I now yield to my colleague from Colorado, Senator ALLARD, to wrap up this special order with his observations as to welfare reform—truly one of the great successes of our Republican Congress.

Mr. ALLARD. I thank the Senator from Idaho for yielding to me to make a few comments.

WELFARE REFORM

Mr. ALLARD. Mr. President, today I rise with good news about Americans on welfare. It is clear that the hard labor we put forth during the 104th Congress to enact welfare reform has been paying off with big returns. The system so many had grown to use as a crutch and a burden to self-sufficiency for 62 years was finally removed in July of 1997.

States are now showing that Americans can achieve financial independence when given the right tools. I thought it would be of benefit for the Members of the Senate to hear a review about Colorado's experience with changing the welfare program.

In 1982, I was elected to the State Senate of Colorado and found that one of the first issues I was involved in was the idea that we needed to change welfare. I was approached by one of the counties I represented at the time that had a very frustrating problem. They saw their budget escalating out of control, and there was not anything they could do about it.

So they said to the Colorado legislature at the time, and they said to me also, ''Look, if you will give us some local control, we have some ideas on how we can change the welfare system to make it better and save the taxpayer dollars and actually get people to work and be self-sufficient.''

They had two phases that they wanted to go through. First of all, they wanted to go through a reorganization of their county government. They wanted to consolidate those agencies that dealt with employment and welfare. And they wanted to put these agencies together and under the guidance of one individual. They happened to select Walt Speckman at the time who was in charge of finding jobs for people in Weld County. This was the county that had come to me and was trying to do something about reforming their welfare system.

They were putting him in charge because he was used to looking for jobs instead of putting people in a position where they were becoming put in a position to rely on government. This individual was used to getting them off of government and getting them into a self-sufficient program. And having been prepared to do that type of reorganization, they had to come to the State legislature to get some legislation passed. And I was involved in that.

Another part of that process was that they had to go to the Federal Government and they had to get a waiver in order to be able to waive some Federal laws and regulations that were being applied to the State of Colorado as well as the county.

As a result of that legislation—which we passed in a Republican legislature, by the way, from both the House and the Senate, and which was reluctantly signed by a Democratic Governor of the State of Colorado—we began to put the program in place. And as it moved along, we found that it was beginning to move people off of welfare into the workplace. It was working in this county at a time when there was a large amount of unemployment because one of the major employers in Weld County at that time had found it necessary—they were in a labor dispute, so they found it necessary to close their large plant.

We also recognized in this program that we needed to provide some daycare services for many of the women who were on welfare. Most of the people in Colorado who were on welfare were young women who had children. We had to provide educational opportunities for them as well.

This experience in Colorado gave us an example, those of us who were serving in the Congress at that time. After I left the Senate in the State of Colorado, then in 1990 I got elected to the House of Representatives, and it gave me a good example to point to my colleagues in the U.S. House of Representatives about how welfare reform could work if managed properly. And my colleague at that time was Senator Hank Brown from Colorado, who was from Weld County and also worked hard on welfare reform as a Member of the U.S. House of Representatives and in the U.S. Senate.

When I had the opportunity, as a Member of the House of Representatives, to work on welfare reform, I was thrilled because I could see what could happen if you would just turn the responsibility over to the States. If that State, in turn, would turn the responsibility over to the county, miracles could happen. And that is exactly the type of thing that I proposed in the 1994 election when the Republicans were putting forward the Contract With America.

I had a good deal to do with putting in a lot of the provisions that were in the Contract With America on welfare reform because I could point to the experience in Weld County and the experience of Colorado and the tremendous success that happened out of that program. So I was absolutely delighted to see that the Republican Congress was beginning to adopt that idea.

Finally, as I mentioned in my opening comments, in 1997 it was a Republican Congress, with a Republican Senate and Republican House, that finally had a reluctant President who was willing to sign some legislation on welfare reform. And it is working.

The Johnson era and the decades following this taught us that the availability of Government welfare only feeds poverty, digging a deeper hole for those who grow to depend on it. By returning power to the States and giving them the flexibility to design and administer welfare programs tailored to the needs of their citizens, Americans are seeing the fruits of liberating the public from welfare dependence.

Some skeptics would say our strong economy and low unemployment are responsible for the decline in welfare cases, but they forget that the flourishing economy of the 1980s barely put a dent in the welfare rolls. It is clear that our new laws are working.

From January 1993 to March 1998, the number of welfare recipients in the Nation declined by 5.2 million, or 37 percent, from 14.1 million individuals in 1993 to 8.9 million in 1998.

Since welfare reform was enacted in August of 1996, the number of recipients has declined by 3.3 million individuals, which is 27 percent, while the number of families on welfare has declined by 1.2 million, also 27 percent, since welfare reform was enacted.

I am proud to say that Colorado continues to be one of the front runners in the progress of welfare reform. Colorado is the only State which has block-granted all welfare funds directly to the counties.

Since 1995, Colorado's caseload has declined by nearly 50 percent.

I have a number of other examples that I will point out to my colleagues in the Senate on the success of the Colorado program.

Each county in my state has been experimenting with various programs which comply with the Colorado state law. Our law requires that an ''individual responsibility contract'' be signed by each of the 32,000 welfare recipients in Colorado. The contract describes each recipients program for obtaining a job. What makes Colorado's program work is the local flexibility and control handed to counties to carry out the new laws.

In addition, counties have used their leverage power through their contracting and procurement activities to help create more jobs in the private sector.

Counties in Colorado tell me they had to re-think their purpose in distributing welfare. Now, they see their role defined more by encouraging recipients to make a commitment to immediate work and imposing a shorter time limit for cutting off those who don't cooperate with this commitment. They are accomplishing this by reeducating recipients, creating new incentives to get off welfare, and contracting out job training.

Since implementation of ''Colorado Works,'' our new version of the former Federal Temporary Assistance for Needy Families Program, welfare cases dropped 28 percent in just one year.

Several counties in Colorado have shown remarkable progress:

El Paso County has renamed its welfare office the ''Family Independence Center'' and has moved into the same building that houses Goodwill Industries. They have developed a philosophy of empowerment of participants to care for their own families and seek employment as soon as possible, not as a last step in the self-sufficiency process.

Boulder County has taken new strides in implementing reform. In July of 1997, they had 715 cases. At the end of June 1998, the caseload was 562. 257 people were placed in jobs. The average wage of the former recipients was $7.82 an hour.

Three of those former welfare recipients have found permanent jobs with Boulder County's own employment and training center.

Mesa County has gone even further with a reduction of 40 percent in their welfare rolls. They tell me it's working because the county commissioners and social services staff have remained committed to getting people off welfare and into jobs. Plus, businesses and human services agencies in the county have pitched in to help find jobs for former welfare recipients. In several Colorado counties, the leading civic organization in welfare-reform efforts is the Chamber of Commerce. Communities are pulling together resources to help new reforms become a success.

Colorado welfare cases have continued to drop since June of this year to an all-time low of 17,990 cases in the month of August. That is 10,000 fewer welfare cases than we had in 1983—15 years ago. But on top of that, this phenomenon has been taking place while population in Colorado has been increasing. According to the Census Bureau, our population has increased 13 percent from 1990 to 1995. Although caseload reduction is not the only measure for success in this area, the fact that we have reduced our welfare reform by more than 50 percent in just the last five years is worth talking about.

Caseworkers in my state applaud this work-first model. They stress that there has been a large increase in child care utilization and expenditures—yet another sign that Colorado residents are being put to work.

Since July, 1997, statewide child care expenditures have increased from $3 million to $6 million per month. Also, the number of families receiving child care assistance increased from 8,200 to 12,600 per month during the same period.

But I think more than anything else, we should acknowledge that there is a clear-cut change in society's opinion about behavior we once just accepted. It's no longer acceptable for large chunks of our tax dollars to serve as a permanent wage to those who choose to lean on welfare.

People are not helpless, as the welfare state has told them. In fact, predictions that we would see a massive increase in the homeless population have not come true.

Instead, we see now that for years, our laws underestimated the abilities

of welfare recipients to work and care for their own families by earning their own money.

Mr. President, changing the work ethic of the welfare community is not a simple process, but the results so far are impressive. The state and local governments are proving that they can accomplish this goal when we give them the latitude to do so. I'm proud to have been a part of this historical policy change.

Mr. CRAIG. Mr. President, I thank my colleague from Colorado for the examples he brings and the issue about which he speaks. There is no question that we are finding here the ideas that percolate from local and State governments which are really the laboratories of change that we have been able to bring and incorporate into public policy at this level, and welfare reform is the prime example. I am pleased that Senator ALLARD would speak to that this morning.

I recognize his leadership in that area.

Mr. ALLARD. I thank the Senator from Idaho.

Mr. CRAIG. I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

EXTENSION OF MORNING BUSINESS

Mr. BINGAMAN. Mr. President, what is the pending business?

The PRESIDING OFFICER. The time until 2 p.m. is to be under the control of the Senator from North Dakota, Mr. DORGAN, or his designee.

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the 2 p.m. time be extended until 2:10.

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

Mr. BINGAMAN. Mr. President, I yield myself such time as I may require.

FAIRNESS OF STARR/HOUSE PROCESS

Mr. BINGAMAN. Mr. President, as I make this statement today, it is doubtful that many in the press or the public are paying attention to the proceedings of the Senate. While many are watching every nuance and listening to every syllable of the President's videotaped testimony before the still-sitting grand jury, I want to talk about what I believe is a more important issue—the basic fairness of the process of which the videotape is a part.

Since we Senators may be called on to consider various allegations in judging articles of impeachment, I will not speak here about the substance of what is alleged, or about whether the allegations constitute adequate grounds for impeachment.

But I believe each of us has an immediate obligation to concern ourselves with the process that is being followed. My purpose today is to call for fairness in that process; fairness in the procedures Congress follows as it prepares to consider these allegations; fairness in the treatment afforded the President. Regardless of what disposition is finally made of the allegations leveled against the President by the Independent Counsel, it is in the interests of everyone—especially future Presidents—that basic fairness be maintained. And to my mind it is impossible to conclude that the process to date has been fair.

What ''unfairness'' am I talking about? Frankly, the lack of basic fairness in these proceedings has been so pervasive that it is hard to know where to begin. But here are three significant ways in which the process has lacked basic fairness.

The first is that the accused has been denied the secrecy of grand jury testimony. Second, the Independent Counsel's report was issued as a sensational narrative, not as a legal document. And third is the rush by both the Independent Counsel and the House to publish and publicize all the material unfavorable to the President before the House has reviewed it and before any determination that impeachment proceedings are warranted.

First, the actions of the independent counsel have had the effect, and possibly the purpose, of denying this accused, the President, the basic right to secrecy concerning testimony given to a grand jury.

While the grand jury was considering the matter, the pattern of leaking information about testimony was clear for all to see. Once the testimony was concluded, the Independent Counsel sought and gained authority to deliver to the House of Representatives his report and all materials he chose, regardless of their relevance to particular charges. I firmly believe the Independent Counsel did this with the expectation that the Republican leadership of the Congress would quickly make public any and all material in its possession that portrayed the President unfavorably.

Rule 6(e) of the Federal Rules of Criminal Procedure requires prosecutors to keep secret the testimony given before grand juries. And with this grand jury, the Independent Counsel assured the President and all witnesses that the testimony they gave was subject to the secrecy requirements under the rule.

The secrecy requirement recognizes the fact that grand jury proceedings are anything but fair and balanced legal proceedings. Witnesses before a grand jury are not entitled to legal counsel who can object when the rights of the witness are being violated. There is no opportunity for a person who is the target of a grand jury proceeding to cross-examine witnesses against him or to present testimony he considers favorable to his position.

In the case of this prosecutor and this grand jury, there was no secrecy, at least as to evidence damaging to the President. The substance of every witness's testimony was eagerly made known to the press and, in turn, eagerly reported.

As if to ensure that the full impact of the accumulated damaging testimony would be felt by the American public before any chance for rebuttal testimony could arise, the Independent Counsel then rushed to obtain court approval and to deliver to the House of Representatives the report and the accompanying documentation which he alone chose to include. The speedy delivery to the House of the report and materials the Independent Counsel selected, freed the grand jury testimony from the limitations of Rule 6(e), and gave the public the full brunt of the prosecution's case without any opportunity for the accused to question the testimony on which it was based.

BASIS FOR CLAIMING UNFAIRNESS

Second, the Independent Counsel presented his report, not as a legal document which should have set out the asserted grounds for impeachment and then summarized the evidence supporting each ground as well as the evidence arguing against it. Instead, he chose to present his report in the format of a narrative where facts are presented in a manner designed to arouse the greatest public revulsion. The narrative is one-sided in that it summarizes the evidence damaging to the President and omits all other. It contains damaging and salacious testimony concerning the President and others even when that testimony is not relevant to any asserted ground for impeachment.

The third basis for claimed unfairness is that the House, as of today, has made public the Independent Counsel's report, the President's videotaped testimony, and 2,800 pages of other grand jury testimony. This comes before the House has even made a determination to begin an impeachment inquiry. The effect of this action, and possibly its purpose, is to undermine any fair and objective assessment of the evidence and the allegations. The result is to try and convict the President in the court of public opinion long before there is any opportunity for the President's counsel to counter the accumulated weight of this evidence.

The rush by the House to disclose all, has pressured the media, us politicians, and the public to come to judgment before the defense can present its case.

Our system of justice requires that an accused person, first will be charged, second will be tried, and then if convicted, will be sentenced for the crime.

In this case, this procedure—this due process—is being trampled upon. The Independent Counsel has charged the President and every effort is being made to have the public convict and pronounce sentence on him before any trial occurs.

One final plea: we must constantly remember that the procedures followed in this case are not just procedures which will affect this President and this impeachment inquiry. What actions we take here will set a precedent

for future Presidents and high government officials, and for future impeachment proceedings. If this President is not entitled to be treated fairly, then why should future Presidents expect fairness?

Mr. President, there is a certain mob mentality that has taken hold of some here in our Nation's capital. And in that atmosphere it may be foolhardy to think that a call for ''fairness,'' for ''due process,'' for the ''rights of the accused,'' will be given much heed.

But just as this President justifiably is going to be judged by the American People and by history for his actions, we in Congress are going to be judged as well. If we deny the President basic fairness, that judgment on this Congress will be harsh, regardless of the final verdict on this President.

Mr. President, I yield the floor and 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. JOHNSON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

CHILD NUTRITION REAUTHORIZATION ACT

Mr. JOHNSON. Mr. President, I rise today to give my full support for the Child Nutrition Reauthorization Act. This important legislation authorizes and allows for continued funding for important child nutrition programs for the next 5 years, until the year 2003.

I want to commend Agriculture Committee Chairman LUGAR and our ranking member, Senator HARKIN, and my colleagues on the Senate Agriculture Committee for working cooperatively in what I believe is a very excellent bipartisan spirit to unanimously pass this bill out of committee. I also want to thank my Senate colleagues for passing this vital legislation unanimously on the floor this past week. Clearly, this legislation demonstrates our commitment to feeding our Nation's children in an effective and cost-efficient manner.

The Child Nutrition Reauthorization legislation provides funding for the National School Lunch and Breakfast Program, for the Child and Adult Care Food Program, the Summer Food Service Program, the Women, Infant and Children (WIC) Program, along with many other nutrition food programs to feed our Nation's young people.

One of the provisions in this legislation that I worked on with a particularly focused effort during this debate was a provision that provides for a detailed research and pilot project on how school breakfast programs impact a child's academic success and behavioral attitudes.

This research provision is a modified version of S. 1396, the Meals for Achievement Act, which I introduced this last November. The research provision provides for the mandatory funding for a school breakfast research project to further test the impacts of school breakfast on children's academic and behavioral patterns.

This provision will require the Secretary of Agriculture to conduct a 5-year school breakfast study in six different school districts throughout the United States, involving approximately 15,000 schoolchildren.

As I have stated before, the research on the impact of children eating school breakfast, so far, points overwhelmingly to a positive result. Not only do our research studies so far indicate that the academic scores in reading, writing, and math improve, but levels of hyperactivity and tardiness are greatly reduced.

The purpose of the study contained in this legislation is to further analyze the existing data and to provide the additional research and data at a national level and to provide the positive impacts—to show what the positive impacts are, in general, of eating a school breakfast.

It is important to note that the funding for the research provision will require no new additional expenses and maintains our balanced budget discipline. It is not my intention that this research project create any new Federal bureaucracy. However, once the researchers have completed a 5-year study and find, as I believe they will, that breakfast does indeed improve a child's academic success, we as Federal lawmakers can work with local and State officials to create guidelines of how school breakfasts can improve success in all of the schools throughout our Nation.

The rationale for this provision is very simple: In order for the United States to compete effectively in the world, we must have an educated and productive workforce. We have far too many children who are simply not prepared at the beginning of each schoolday to succeed with their schoolwork.

In 1994, the Minnesota Legislature directed the Minnesota Department of Children, Families and Learning to implement a universal breakfast pilot program integrating breakfast into the education schedule for all students. The evaluation of the pilot project, performed by the Center for Applied Research and Educational Improvement at the University of Minnesota, showed that when all students are involved in school breakfast, there is a general increase in learning and achievement.

Again, researchers at Harvard and Massachusetts General Hospital recently completed a study on the results of a universal free breakfast at one public school in Philadelphia and two in Baltimore. The study, published this week in the Archives of Adolescent and Pediatric Medicine, which is a journal of the American Medical Association, found that students who ate breakfast showed great improvement in math grades, in particular, but also in attendance and punctuality. The researchers also observed that students displayed fewer signs of depression, anxiety, hyperactivity, and other behavioral problems.

This study is reflected in an article in this week's Economist Magazine, Mr. President. I ask unanimous consent that this article be printed in the RECORD.

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

[From the Economist, September 19, 1998]

YOUR MOTHER WAS RIGHT (AGAIN)—FREE BREAKFASTS MAY BE A GOOD WAY TO HELP POOR KIDS DO BETTER AT SCHOOL

When it was shown recently that fat people eat more than thin people, some laughed, some jeered and some bawled their indignation that money had been spent on discovering anything so obvious. But if the results had been different, they would have been very interesting: so it is not always wasteful to do research that tells you something you thought you knew all along. In any case, even if the results are expected, it sometimes takes such research to get people to pay attention to a problem.

So it is with a paper published this week in *Archives of Pediatric and Adolescent Medicine*. Michael Murphy, a psychologist at Massachusetts General Hospital, in Boston, and his colleagues have proved that what your mama told you all along is true: breakfast is good for you.

Dr. Murphy and his colleagues looked at a programme of free breakfasts in three inner-city state schools—one in Philadelphia and two in Baltimore. At these schools, 80% of children are so poor that they are eligible for a free school breakfast anyway; yet before the start of Dr. Murphy's programme, only 15% were eating one. Dr. Murphy says that this is because there is a stigma attached to showing that you are so destitute that you have to eat free. Also, because breakfasts are provided before school starts, they may be over by the time the school bus arrives, making it impossible for many pupils to benefit. Unlike free school lunches, which have a higher consumption rate, breakfast is not part of the normal school day.

The programme Dr. Murphy was studying provided breakfast free of charge for everyone regardless of their means, and changed the timing so that the meal was eaten after roll-call. Within four months of these innovations, participation had almost doubled, to 27%.

More significant, however, were the benefits of eating breakfast. Before the programme started, the researchers interviewed a sample of more than 100 school-children (the average age was just over ten) from the three schools, and also their parents and their teachers, to assess each child's sense of well-being, anxiety and depression. They also collected data on school attendance, tardiness, academic grades and breakfast consumption. Four months later, they did it all again (although this time they interviewed only a subset of those previously questioned).

The researchers found that kids who started eating significantly more breakfast (defined as an increase of at least 20% over their previous consumption) were doing better at school, particularly in mathematics. This result confirms earlier studies on the benefits of breakfasting on academic performance. But Dr. Murphy and his colleagues also found that those children who started eating more breakfast were significantly less likely

to feel anxious or depressed or to be described by their teachers as hyperactive or disruptive, than those who continued not to eat breakfast. Both regular and new members of the breakfast club were also less likely to play truant or be late for school. On the strength of these results, 20 schools in Maryland are now introducing free breakfasts for all.

Of course, without depriving some children of the breakfasts they were already eating—an ethically dubious experiment—it is hard to separate cause and effect. It may be that children who are not late are more likely to eat breakfast anyway; skipping school presumably translates into skipping breakfast too. This, more than eating breakfast *per se* could account for the improvements in grades.

But it may not matter whether eating breakfast improves mood and performance directly through its nutritional effect—or indirectly, simply by getting more pupils to arrive at school on time. Breakfast is no panacea, but it may be a cost-effective way to help the children who most need help. In America's inner cities, between one-third and two-thirds of children go hungry at least some of the time. Besides this, they frequently have to cope with difficult family circumstances and other severe problems. Learning is low on their list of priorities. Yet learning is perhaps their only real ticket to a better life.

If by eating breakfast children do better, feel happier and find it easier to learn, then increasing the take-up of school breakfasts by making them free for all is surely a good idea. Bring on the buttered toast.

Mr. JOHNSON. Mr. President, The Economist notes that:

The researchers found that kids who started eating significantly more breakfast . . . were doing better at school, particularly in mathematics. This result confirms earlier studies on the benefits of breakfasting on academic performance. But Dr. Murphy and his colleagues also found that those children who started eating more breakfast were significantly less likely to feel anxious or depressed, or to be described by their teachers as hyperactive or disruptive . . . less likely to play truant or be late for school. . . . Breakfast is no panacea, but it may be a cost-effective way to help children who most need help.

And so the provision of the Johnson school breakfast amendment, in our overall nutrition authorization, will build on already-existing research in individual school districts around the country and create a more comprehensive research strategy. But I believe that the facts that will be found are already apparent to us in the smaller research studies that have already been conducted.

It is my hope that we will be able to build further on this information and this broader research from this larger pilot program contained in this legislation, to what ultimately will be a universal free breakfast program for all schoolchildren throughout the Nation. I think the research already is very apparent that this could be a very cost-effective, efficient way of enhancing academic performance and minimizing behavioral difficulties throughout all the schools in the United States. Obviously, this program would be constructed, as I envisioned, on a voluntary basis, from school district to school district, so there is no federalization or mandate. Yet, there is an opportunity for a constructive partnership to exist between the Federal Government and its nutrition programs and our individual school districts.

THE ADMINISTRATION'S FARM RELIEF PACKAGE

Mr. JOHNSON. Mr. President, I wish to touch on the status of agricultural disaster legislation this morning, which is pending in both the Senate and in the other body.

As many know, for the last several months the northern plains—in particular including my home State of South Dakota—have suffered through an extraordinarily difficult time in the agricultural sector. We face extremely low prices in both the grain and the livestock side of agriculture. Many parts of the northern plains as well have suffered from grain disease, as well as flooding and other natural calamities that have further caused extreme stress on agricultural producers in general. Now we find prices at remarkably low levels.

I received a report just recently from Winner, SD, indicating that corn there was bringing only $1.10 a bushel, and wheat in Alpena, SD, was bringing in around $2. Cattle in our State, as they are throughout much of the country, are bringing in the mid-$50 range. This represents a loss for each animal raised by our producers, and it creates a situation where hedging those losses with profitability in the grain sector is not possible either. It is a double-barreled hit. It is one that is unique—one that is not common. Even though we all understand that there are cycles of price in both the grain and livestock sector, for them to both be at the calamitously low level, complicated by further natural disasters at the same time, is just simply wreaking havoc across much of rural America and the United States.

My farm State colleagues and I have twice brought up our legislative response. We have, frankly, had mixed success on the floor of this body and in Congress in general. The economic relief package that we earlier offered would have provided a lift in the caps on marketing loan rates and an extension of terms of those loans from 9 to 15 months, a strategy that I believe is the most effective strategy that has been debated on this floor relative to addressing the problem of grain prices.

There is much that we can do in terms of disaster relief, and much of that is fine and good. But I think anyone who doesn't understand that the crisis we face both in livestock and grain is reflective of price simply doesn't get it. While disaster relief will tide some people over and address the cash flow problems that they face now over a short term, this body needs to be addressing the long-term problem of price in grain and livestock. And anything that doesn't do that is simply buying us time for yet another calamity to come down the road sometime soon.

A second provision in our package that provided disaster indemnity to assist producers who suffered from multiyear disasters—natural and otherwise—is a provision to provide market transparency through mandatory price reporting of livestock sales and mandatory labeling of beef and lamb products for their country of origin. We were successful in incorporating several of these provisions into the agricultural appropriations bill when it was considered on the floor of the Senate. The one measure that we were not successful with, unfortunately, was the lifting of caps and the extension of the marketing loan rates on grain. We have twice now voted on that marketing loan provision, and twice we have been defeated.

The Senate passed a $500 million indemnity program which, as is now agreed on by everyone essentially, is inadequate given the scope of the losses that have taken place, not just on the northern plains but in Texas, Louisiana, and other parts of the country that have suffered from the dire drought circumstance.

This legislation now is tied up in conference committee. It is my hope that we will see sufficient bipartisanship and statesmanship on the part of the conferees that a final product will return to the House and Senate that will, in fact, be constructive. In the meantime, however, released this weekend and announced this morning is an initiative promoted by the administration that I think this body and the conferees need to look at with the greatest care.

I applaud my colleague, Senator DASCHLE, in particular, for his unstinting work on the agriculture crisis problem and for his work with the administration to promote yet another constructive, positive approach to the kind of prices we face. Senator DASCHLE, who could well have been in our home State campaigning in his own reelection campaign, chose instead to remain here working around the clock and through the weekend with the administration, with our colleagues on the Senate Agriculture Committee, with both political parties, trying to see what we could do to augment the relief that had earlier been discussed and which had partially been passed by the Senate.

I again applaud Senator DASCHLE's extraordinary leadership, his willingness to stick with the real business of getting this legislation into shape, for getting it to the floor of the Senate, and for working with the administration to make sure that it has both congressional and administration support.

This relief package would come to slightly over $7 billion for 1 year. It would involve, again, uncapping of the

marketing loan rate, which I have discussed and which I think we need to revisit, as the single best strategy available to us to address the issue of inadequate prices in the grain sector. It would lift these caps and extend the loan terms from 9 to 15 months. I think it would have an enormously positive economic impact all across rural America.

Second, it would tie our relief to production agriculture, which I think is important.

There is an alternative disaster package being talked about currently that would amount to augmenting the transition payments for producers—actually not the producers so much as it would be for landowners.

I applaud all efforts to go forward. I am not going to make the perfect the enemy of the good. I think there is urgency here that is critical. We need to proceed in an expeditious fashion as much as possible. I understand it may involve some give and take and will involve some of each side's strategy. But when I look at what the uncapping of the loan rates would do, even at this modest level, it is clear to me that it is a superior alternative.

The wheat price, which is currently capped at $2.58 per bushel under the Democratic plan, goes to $3.22. That is up 64 cents per bushel. That is under the Democratic plan and the plan proposed by the Clinton administration.

The alternative to that through the AMTA payments, if you were to equate it on a per bushel basis, would be not a 64-cent increase but a 23-cent increase.

On corn, the current cap is at $1.89. The Democratic proposal would increase that to $2.25, up 36 cents. The alternative through the AMTA payment increase would equate to about a 10-cent increase rather than a 36-cent increase.

The soybean cap would be increased modestly—from $5.26 per bushel to $5.33 a bushel, up 7 cents. But under the alternative AMTA approach, soybean producers would stand a chance of getting nothing if their soybeans were not planted on former base acreages.

The AMTA augmentation also suffers from the problem of what to do about renters. Some 43 percent of the crops being grown in America are being grown by farmers on rented land. It has been our experience in the past that if we do the AMTA payment approach, there may be a great many instances where the money will go exclusively to the landowner but nothing to the farmer who actually is growing the crop.

The Freedom to Farm legislation touted in the 1996 farm bill delivered planting and management flexibility to farmers. They have been able to take care of that flexibility. I think that has been positive. It has been a positive step in the right direction. I applaud that. No one is suggesting that we back up and retreat from that level of flexibility, that we back into some sort of micromanaged world out of Washington.

But the fact is when Freedom to Farm passed, wheat prices were nearly $6; not gaining—around $2 in many parts of the country. Corn was in the $3 range. It is far less than that; it is in the $1 range now.

Circumstances have changed. Many of us would say, ''I told you so.'' There is a certain amount of foreseeability that those prices were not going to stay at that high level in perpetuity. Now we find that with Freedom to Farm, although it contains some positive things, it is, frankly, grossly inadequate in terms of providing the safety net, providing some kind of stability for family producers.

Now we find that declining transition payments and then ultimately a pat on the back and a ''good luck,'' reducing America's commitment to family agriculture from $26 billion at a high water mark over a decade ago to $5 billion and ultimately to nothing, while our European allies spend $50 billion to sustain agriculture there, because they know what it is like to be hungry, puts U.S. producers at an incredible disadvantage.

It is my hope, again, that we will find the bipartisan will to deal with this in an urgent manner in the coming week or two of this Congress. The administration and the Democratic proposal, on top of these past efforts at meat labeling, price transparency, disaster payments and raising the marketing loan cap—which, by the way, is a marketing loan and not the kind of loan that results in massive grain buildup in supplies and inventory we suffered under in previous years—this disaster package also includes significant funds for Farm Service Administration operating loans for producers who have been hit by a disaster, for land compensation for flooded lands, for payment for crop losses on uninsured crops and for the additional FSA county staff support that will be necessary to implement all of this in an effective and efficient manner.

The bottom line, in my view, is price. We need to address both, however—the long-term strategy of what to do about price, as well as the short-term cash flow crisis that we have in rural America.

I believe that the previous package which was adopted only in part took us a long ways in the right direction. The current package, which was announced this morning by the administration, by Senator DASCHLE and Senator HARKIN, I think moves us far beyond the debate that has taken place so far. It is far more constructive. It is far more helpful as we deal with this crisis in rural America.

I again applaud Senator DASCHLE's extraordinary leadership, the work of Senator HARKIN and other members of the Ag Committee, Secretary Glickman and the Clinton administration for focusing with this kind of intensity in a timely manner on what needs to be done relative to American agriculture this year; not next year, not 5 years down the road, but this year.

I am hopeful, again, that the conferees will evaluate this proposal with the greatest amount of care and earnestness, and that when we adjourn this coming October, we will, in fact, have addressed this issue in a bipartisan fashion and in a cost-efficient fashion in this body and that it will be on the President's desk and that the President will have an opportunity to sign ag disaster legislation which, in fact, is meaningful and timely and sufficient to get our family producers down the road into another productive year in the coming planting season.

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

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

Mr. KENNEDY. I yield myself all of the time remaining on the Democratic side.

The PRESIDING OFFICER. The Senator is recognized.

TRIBUTE TO SENATOR MURIEL HUMPHREY BROWN

Mr. KENNEDY. Mr. President, Muriel Humphrey Brown was an outstanding woman, and all of us who knew her and had the opportunity to serve with her in the Senate mourn her loss today. The people of Minnesota have lost one of their finest public servants, and this country has lost one of its finest crusaders.

Muriel was an outstanding campaigner for her husband, Hubert Humphrey, who was a great Senator himself, and a great Vice President too. Together, they made a extraordinary team. She was the soft-spoken, gentle, guiding force behind Hubert's mayoral, Senatorial, Vice Presidential and Presidential campaigns. In fact, Muriel changed the rules of Presidential campaigning by becoming one of the first wives to speak out by herself on the Presidential campaign trail. Muriel's eloquence and wisdom could still be heard in recent days, as she celebrated the victory of her son, Skip, in the primary last week in his campaign to became the next Governor of Minnesota.

Muriel was an eloquent activist in her own right. She became the twelfth woman to serve in the U.S. Senate, when she was appointed in 1978 to complete the unexpired term of her husband. During her service in the Senate that year, Muriel's courage, wisdom, and ability enabled her to carry on the high ideals and important social programs of her husband.

She was an able leader on issues important to women, and her vigorous support for legislation to extend the deadline for States to ratify the equal rights amendment was a major step

forward for women's rights throughout the Nation.

As a member of the Senate Governmental Affairs Committee, Muriel introduced civil service reform amendments to protect employees who provided information on illegal Government activities and mismanagement. Her proposals became the foundation for the well-known ''whistleblower'' protections that employees have today.

Muriel also actively supported the passage of the Comprehensive Rehabilitation Amendments in 1978, which provided a wide range of new services for the handicapped and the retarded. Prior to her service in the Senate, she became a leading crusader for the disabled.

She had served on a committee for mental retardation during the administration of President Johnson, and she encouraged many reforms to improve mental health and care for the mentally ill.

And above all else, Muriel Humphrey was deeply committed to the enactment of the Humphrey-Hawkins full employment bill. Its goal was to do more to reduce unemployment in communities across the country, and the enactment of this legislation was a major accomplishment for Muriel and the entire Nation.

In every respect, Muriel was a wonderful wife, mother, Senator and leader. She served the American people for 34 years as the wife of our distinguished colleague, Hubert Humphrey, and also in her own right as a highly respected Member of the Senate. She had a remarkable grasp of the issues and a genuine interest in helping others. She earned the respect and admiration of all of us who had the privilege to serve with her, and her spirit and courage and determination will be long remembered by the American people.

My thoughts and prayers are with the Humphrey family. America has lost a unique leader, and the Kennedy family has lost a wonderful friend.

MINIMUM WAGE

Mr. KENNEDY. Mr. President, on another matter, on tomorrow we will have an opportunity to address the issue of an increase in the minimum wage for working Americans, at 2:15 p.m. Starting at 10:30 in the morning, the amendment will be before the U.S. Senate, and we will have that opportunity, with the time equally divided before the luncheon break, to make the case for the increase in the minimum wage for working Americans, those who are on the lower rung of the economic ladder.

This afternoon, in the time which is available, I would like to anticipate and respond to a number of our colleagues who will raise questions about whether it is appropriate to increase the minimum wage at this time.

Throughout the history of the minimum wage, our opponents have claimed that raising the minimum wage will add to the rate of inflation. Those who oppose fair increases in the wages for working families also claim that unemployment will increase among the workers in this country and, therefore, be counterproductive to the various people we are trying to help.

We have raised it on five different occasions since the end of World War II. So it is fair enough for us to look back on the history of the increases in the minimum wage to find out if there is validity to those particular arguments. And, quite clearly, those arguments have to fail on their face. And I will have an opportunity briefly this afternoon and in a more detailed way to respond to these arguments on tomorrow.

But a basic, fundamental point, Mr. President, that is at the heart of this whole issue is whether we in this country really honor work and whether we think that Americans who work 40 hours a week, 52 weeks of the year ought to live in poverty, that they ought to live in poverty and that their children should live in poverty.

As Americans, we have experienced the most extraordinary economic growth over the period of the last 6 years, with economic growth, price stability, low interest rates, low rates of inflation, declining unemployment. We are also experiencing the longest period of economic growth and price stability in the history of this Nation.

I think we were reminded a week or so ago when we found out that the stock market went down some 300 points. People were saying we lost $1 trillion in terms of value, and then it bounced back the next day. We see these extraordinary fluctuations. We see the extraordinary creation of wealth in just about every population, except for the low-income, working families in this Nation. They have not been a part of the growth of economic prosperity.

If we look at what happened in this country in the immediate post-war period, from 1948 into the late 1950s through the 1960s, and actually up to 1972. If we divided the economic incomes into what they call quintiles and divide by five, and look at the relative growth in terms of income over a 30-year period, in the post-war period where we had times of recession, inflation, a variety of economic shocks, we come to one very basic and fundamental conclusion. All of those quintiles went up, and went up together. There was merely a 5-point or 10-point percent difference between those at one level and those at another level. All Americans went up together. The rising tide raised all the boats. We did not have this period of economic growth and price stability.

What has happened in the more recent times? In more recent times we have seen the enormous accumulation of wealth among the most fortunate individuals in this country and the wealthiest corporations and an actual decline in the purchasing power of the minimum wage workers. They have been the big losers. They haven't just been holding steady, they have lost in terms of purchasing power.

We have an opportunity tomorrow to say whether this is fair, right here in the United States of America, among our fellow citizens who are working hard and trying to provide for their families and have hopes and dreams like every Member of this body.

It is interesting that just this last year Members in the U.S. Senate accumulated, with our rate of inflation on our own salaries, the equivalent of more than $1.50 per hour in 1 year. Do we understand that? Every Member in this body this last year got an increase of more than $1.50 an hour. And they all effectively took it.

We are talking about the men and women in this country who work as teachers' aides, in nursing homes, and who clean these facilities that we have here in buildings all across America. They are also child care workers or assistants to children. We are asking to provide these workers an increase of 50 cents in January and 50 cents the following year.

We, in the Senate, have taken $1.50 for ourselves, and I didn't hear many voices in opposition to that. But we will hear a lot of opposition tomorrow about providing 50 cents for these hard-working Americans next year, and 50 cents the following year. We will hear opposition and we will have a vote here in the U.S. Senate. I will be frank and say it is still an uphill battle. We are continuing to make that case, and we are hopeful we will be successful.

How can we possibly justify voting ourselves $1.50 more an hour, but not for the child care workers, not for the teacher assistants, not for those working in nursing homes and looking after our parents? Why? Because they will say they are worried about inflation and are worried about the impact of the increase of the minimum wage on our total economy—an $8 trillion total economy. Ten million Americans will get the equivalent of another $1, spread over a 2-year period. The proposed increases in the minimum wage would amount to a tiny fraction of our total economy.

We are going to hear from some who will say we cannot afford it because it will be an inflator in terms of our economy. It wasn't an inflator when we had an increase for ourselves, but it will be an inflator if we are going to provide the increase for these working families. Many are working, single mothers who are trying to provide for their children. Sixty percent are women who have two or three jobs to try to provide for their families.

We hear a lot on the floor of the U.S. Senate about family values. What about that mother who doesn't have the time to spend with that child on their homework or doesn't have the time to take that child for a walk in the park on a Sunday because they

have to go to another job? When that child asks to go to a birthday party, and the mother says, ''You can't because we can't afford a present,'' what about those family values? What about those family values?

Raising the minimum wage is a fundamental issue of fairness. Are we going to honor work? Are we going to say to our fellow citizens that we, as a nation, have enough sense of common purpose and direction that we believe that many of our neighbors who may not have the kind of training or the education, may have had a life that has been challenging and difficult, may be struggling to try to provide for their families, are not even going to be able to be lifted out of poverty?

We have seen the greatest accumulation of wealth in the history of this Nation, and we have seen the greatest growth of disparity between the most affluent and those who are the neediest workers in our country, and we have seen this disparity grow to be greater than it has ever been in the history of this Nation. This is a very, very small step to try to do a little something about it. In past years, raising the minimum wage has been a bipartisan effort.

This chart reflects basically the points I have been making in the past few moments. This chart shows about where the minimum wage was, in real, constant dollars, from 1955–1998 and beyond, to the year 2000. In 1955, we got the increase in the minimum wage. It went to almost $6. For the period of the late 1950s, to the 1960s, the 1970s, beginning into the early 1980s, in all that period of time, for some 30 years, the purchasing power for the minimum wage was far above what it would be if we were able to pass the legislation tomorrow to increase the minimum wage by 50 cents next year and 50 cents the following year.

All we are trying to do is get to the bottom, not to the top, of what it would be—$7.38 in purchasing power. We are trying to just get into the zone. We will still be at the lowest for a period of 30 years, at a time of economic prosperity. These increases that have taken place since 1955 have had Republican and Democratic support. It didn't used to be a partisan issue. But we are just trying to get there.

We have to ask, Is that so unreasonable, Mr. President? Look what happens if we are not successful. If we are not successful in getting the increase in the minimum wage, the purchasing power of the minimum wage, drops back to $4.82 an hour. By 2000, it drops back to $4.82. We are just trying to get the minimum wage up to $6.15. Even by 2000, it will only be worth $5.76. It will still be well below what the purchasing power has been in here, Mr. President.

This is an extremely modest bill. This gives you the history on this chart. These are working families and individuals, who will and can work, who play by the rules, go out to earn a modest living every single day. If these workers miss a paycheck, they miss paying the utilities. If they miss a paycheck, they can't afford to provide for the kind of attention to meet health care for a child. If they miss a paycheck, there is no opportunity to provide for children. Nor can they give them a night out at the movies. That is how close this figure is, Mr. President.

Do you know what this $1 increase represents, Mr. President? That $1 increase, most of all, means dignity to these workers. That is our No. 1 reason. These workers can free themselves from the reliance on support programs. It gives them a sense of dignity. That is important. We spend a great deal of time around here adding and subtracting and looking at balances. Once in a while, we ought to look at what the real impact is in terms of human quality. It is dignity. It is the fact that men and women can look at their families and know that they have a job that offers them an opportunity to live with some dignity. That is what this is really about.

But look at what this $1 represents. Some people might say, well, that is not an awful lot. It certainly is for these families. It represents about 6 months of groceries for a family. It represents about 7 months of rent, on average, for a family. It represents two-thirds of the tuition for a community college so that one of their children can go on to a community college. That is the kind of hope and opportunity it means for these families. It is a big deal. It is important. We talk about a billion dollars here and a billion dollars being real money. But this 50 cents and 50 cents—another dollar, over the period of 2 years—is a lot of money for working families.

So, Mr. President, the other issue I will mention very briefly here is whether this adds to the rate of inflation. Mr. President, I want to address these two issues very quickly; that is, what the impact of the increase in the minimum wage is on inflation.

Raising the minimum wage does not fuel inflation. It says on the top of this chart, right here, going back to 1996, in January of 1996 we have three-tenths of 1 percent. This is the inflation rate increase per month during this period of time. It is three-tenths of 1 percent. It dropped here. Then it went up. But, generally speaking, for a period before 9 months, it was three-tenths of 1 percent. It increased it to $4.75.

Look at what happens to the rate of inflation. It drops back and drops, and it settles on in here. Instead of three-tenths per month, it drops down to two-tenths per month. Then we increase it to $5.15, and down it goes again, and then up, and then down again. This spans from January of 1996 through June of 1998. That is a pretty clear indication that the two last increases, with the rate of inflation, when we didn't have as favorable an economy as we do today—that effectively there has been no impact on the rate of inflation.

If we look at what the impact of the minimum wage has been on the unemployment rate, again, this chart here represents—these are Bureau of Labor statistics and they are authenticated. If you look back in October of 1996, what the rate of unemployment was, it was just above 5 percent—about 5.2 percent. We saw the increase in the minimum wage and a little blip here, and then we see how it has declined, below 5 percent. It was increased to $5.15, and the chart settles in now to about 5.5 percent. I think, if we look at the most recent figures, it is down to 4.3 percent.

So the two major arguments have been that it adds to the unemployment rate and it adds to the inflation rate.

The final point I will make, since this is an argument that is raised most recently, as well—maybe it doesn't add to inflation, but let's look at this. The minimum wage doesn't harm small business, it says on this chart. This is a Jerome Levy Economic Institute 1998 survey of 568 small businesses. ''Did the recent increase in minimum wage affect hiring or unemployment decisions?'' Mr. President, 6.2 percent said yes, 79 percent said no. ''Would raising the minimum wage cause you to lay off or hire workers?'' Three percent said yes, 93 percent said no. They have a longer study which basically supports this.

We have had the Restaurant Association that has talked about how this was going to be ''devastating.'' But they have increased their employment by 230,000 restaurant workers over this period, although they had predicted an absolute disaster in terms of the restaurant business. That is done by the Bureau of Labor Statistics. So it is important that we try to put this into some kind of perspective.

The basic issue in question is: Are we going to be fair to working Americans? Do we believe that these Americans who are at the lower level of the economic ladder should be able to participate, to some degree, in terms of economic prosperity? Tomorrow, we will have an opportunity to answer that question. I hope that the Senate will vote in favor of providing it.

I thank the Chair and I thank the Senator from Iowa.

Mr. GRASSLEY addressed the Chair.

The PRESIDING OFFICER. The Senator from Iowa.

EXTENSION OF MORNING BUSINESS

Mr. GRASSLEY. I ask unanimous consent that morning business be extended for 10 minutes.

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

The Senator from Iowa is recognized.

(The remarks of Mr. GRASSLEY and Mr. KYL pertaining to the introduction of S.J. Res. 56 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

CONSUMER BANKRUPTCY REFORM ACT OF 1998

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of S. 1301, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 1301) to amend title 11, United States Code, to provide for consumer bankruptcy protection, and for other purposes.

The Senate resumed consideration of the bill.

Pending:

Lott (for Grassley/Hatch) amendment No. 3559, in the nature of a substitute.

Feingold/Specter amendment No. 3602 (to amendment No. 3559), to ensure payment of trustees' costs under chapter 7 of title 11, United States Code, of abuse motions, without encouraging conflicts of interest between attorneys and clients.

Feingold/Specter amendment No. 3565 (to Amendment No. 3559), to provide for a waiver of filing fees in certain bankruptcy cases.

Mr. GRASSLEY addressed the Chair.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, we are now, as I understand it, on the bankruptcy bill. As the Republican manager for this legislation, I want to speak to an amendment which was offered Friday by the Senator from Wisconsin, Mr. FEINGOLD, but also to speak generally about the behavior of the bankruptcy bar as it relates to the amount of bankruptcies that are being filed, which were at a historical high of 1.4 million last year. That was a 30-percent increase. There was probably a 25-percent increase in 1996 over 1995. As we all know, there is an explosion of filings for consumer bankruptcy.

I have blamed some of that on the law of 1978. That is why we have this bill before us, to change the law so it is not so easy to go into bankruptcy.

In 20 years, I have had hundreds of people talk to me about it being too easy to go into bankruptcy. It ought to be harder, in their judgment. I have not had one person say to me that it ought to be easier to go into bankruptcy, and I have had people who have gone through bankruptcy tell me how easy it is to get into bankruptcy.

I think the law of 1978 is at fault to some extent. I think the situation we have with Congress with 30 years of deficit spending, that Government doesn't have to live within its income, sends a signal to people in this country that it is all right for individuals to live beyond their income and avoid paying for it.

We have had a general lack of shame or personal responsibility that used to be associated with paying bills or not paying bills and the filing of bankruptcy. That is no longer the situation, although that can be somewhat to blame for Government not setting a good example in this area.

I also think there is more than just the downfall of personal responsibility. We have heard lots of speeches about how the credit industry, particularly the credit card industry, has not been very careful in the number of requests they have granted for bankruptcy, or the willy-nilly approach—I know they will say it is not willy-nilly. There is a very careful study they have of who ought to be mailed a credit card or not mailed a credit card. But as a practical matter, they have been pretty darn fluid with the number of credit cards that have been going through the mail.

All of these are reasons why we have this legislation before us. All of these are reasons why this bill was voted out of committee on a vote of 16 to 2. All of these are reasons why a very strong bill passed the House of Representatives by a veto-proof margin. And all of these, I think, are reasons that, hopefully, on Tuesday or Wednesday of this week we will pass this bill by a very substantial margin.

As I indicated, we have as one of the amendments that we will be voting on tomorrow an amendment offered by the Senator from Wisconsin.

In my earlier statements on the Senate floor, I have alluded to the role of the overly aggressive bankruptcy lawyers plague in fomenting the current crisis in our bankruptcy system. Last Friday, Senator FEINGOLD offered an amendment which will insulate bankruptcy lawyers from fines when they encourage bankruptcy abuse.

As reported by the Judiciary Committee, the Consumer Bankruptcy Reform Act fines—in other words, penalizes—bankruptcy lawyers who steer high-income people who can repay their debt into chapter 7. Under the bill, in the narrow circumstance where a chapter 7 trustee is successful in getting a chapter 7 case dismissed or converted to chapter 13, the lawyer for high-income bankruptcy will be fined if his or her case is not substantially justified. That is our bill.

This fine will reimburse the chapter 7 trustee for expenses incurred while detecting abuses of the bankruptcy system. I think any reasonable person will say that lawyers who file bankruptcy cases which are not substantially justified ought to be required and will be required to help defray the costs of these frivolous cases. That is all this bill does. Senator FEINGOLD wants to cut this reasonable effort to control a bankruptcy bar which is seriously out of control.

Mr. President, in order for my colleagues to understand the importance of imposing some reasonable controls on the conduct of bankruptcy lawyers, I want to give a little background on the conduct of bankruptcy lawyers.

Today, many lawyers who specialize in bankruptcy view bankruptcy as an opportunity to make big money for themselves. This profit motive causes bankruptcy lawyers to promote bankruptcy as the only option even when a financially troubled client has an obvious ability to repay his or her debts. In other words, this profit motive creates a real conflict of interest where bankruptcy lawyers push people into bankruptcy who don't belong there simply because they want to make a quick buck.

As one of the members of the National Bankruptcy Commission noted in the Commission's 1997 report, many who make their living off the bankruptcy process have forgotten that declaring bankruptcy should have a moral dimension.

As I have already said, the Consumer Bankruptcy Reform Act contains reasonable penalties for lawyer misconduct. These penalties will cause lawyers to think twice before they willy-nilly cart their client off to bankruptcy court and pocket a nice profit. Bankruptcy lawyers get paid ahead of anybody else if there are assets or, obviously, they charge before they are going to help you.

Some lawyers, in their rush to turn a profit, operate what are known as bankruptcy mills. These bankruptcy mills are nothing more than processing centers for bankruptcy. There is little or no investigation done as to whether an individual actually needs bankruptcy protection or whether or not a person is able to at least partially repay some of his debt.

Recently, one of these bankruptcy attorneys from Texas was sanctioned in bankruptcy court. According to the court, this attorney had very little knowledge of bankruptcy law, but advertised extensively in the Yellow Pages and on television. Apparently, his advertising worked, because he filed about 100 new bankruptcy cases a month. Most of the work was done by legal assistants with very limited training. The court concluded that the attorney's services ''amount to little more than a large scale petition preparer service for which he receives an unreasonably high fee.''

The practices of these bankruptcy mills are so deceptive and sleazy that last year the Federal Trade Commission went so far—our Federal Trade Commission—as to issue a consumer alert warning consumers of misleading ads promising debt consolidation.

Mr. President, I think there is a widespread recognition that bankruptcy lawyers are preying on unsophisticated consumers who need counseling and help in setting up a budget and who do not need to declare bankruptcy. Bankruptcy lawyers are the fuel which makes the engines of the bankruptcy mills run. It is not surprising that bankruptcy lawyers are leading the charge against this bankruptcy reform legislation.

I want to point to some other evidence of lawyers playing a prime role in this effort to get people into bankruptcy and to avoid the payment of debt.

We have previously heard complaints from some on the Senate floor about whether our bill does enough to protect child support and also to protect alimony during bankruptcy proceedings. I

have already spoken to that topic on a previous occasion, but for now, I want to point out that some bankruptcy lawyers actually advertise that they can help deadbeat dads get out of their child support and other marital obligations. One bankruptcy lawyer has even written a book entitled, as you can see, ''Discharging Marital Obligations in Bankruptcy,'' by James P. Caher, Esquire.

I think it is outrageous, Mr. President, that bankruptcy lawyers are helping deadbeats to cheat to force spouses out of alimony and to cheat children out of child support. That is a recipe for promoting poverty and human misery. Those who want to help the collection of child support during bankruptcy proceedings should join me in rejecting the Feingold amendment to protect bankruptcy lawyers. Those who are concerned about protecting child support should join me to ensure lawyers who engage in predatory conduct are subject to stiff fines.

Those who are concerned about protecting child support should join me in moving child support from No. 7 in the bankruptcy priority list to No. 1. This is the only way to get people's attention. This is the only way to restore professionalism to the bankruptcy bar.

Let me tell you, Mr. President, how far these practices have gone. First, I ask unanimous consent to have printed in the RECORD an article from the Consumer Bankruptcy News dated June 18 of this year.

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

[From the Consumer Bankruptcy News, June 18, 1998]

BANKRUPTCY REFORM PRESENTS MARKETING OPPORTUNITY FOR DEBTORS' COUNSEL

By now, you are well aware of the proposed bankruptcy amendments and how they could affect the relief available to consumers. But how aware of these changes is the general public, especially those people who consulted with you and decided to not file for bankruptcy at that time?

James P. Caher, who represents debtors in Eugene, Ore., suggests that you go through your files to check for cases in which you might have recommended that a client wait before filing for bankruptcy, such as if there was recent credit card use or preferential payments to be preserved. Those debtors might be able to discharge their credit card debts in Chapter 7 today, but will they even be eligible for Chapter 7 relief a month from now?

Caher recommends that you send them a letter like this one that he recently sent to about 150 people who had consulted with him.

POSSIBLE CHANGES IN BANKRUPTCY LAW

My records show that you discussed your financial problems and bankruptcy options with me on _____.

During the last few months, lobbyists for the credit card companies have been incredibly successful in pushing their idea of bankruptcy ''reform'' through Congress. Bills have been recommended by the judiciary committees of both Houses of Congress and a vote is possible as soon as next month.

I fear that some versions of these ''reforms'' will pass, and, if it does, bankruptcy will be much more difficult, more expensive and probably embarrassing.

If you've been able to solve your financial problems without the need for bankruptcy, congratulations. However, if you are still considering that option, you should keep an eye on what's going on in Congress, and consider filing before this new restrictive legislation passes.

Many of the people who received Caher's letter are trying to do the right thing by paying their bills and avoiding bankruptcy. It would be ironic if legislation that is intended to dissuade debtors from filing for bankruptcy actually encouraged it.

Caher acknowledged that there would be some satisfaction in seeing the bills backfire on the credit card industry that has spent so much time and effort in pushing them, but he added that he—like his clients—would much rather see the bills go away.

Mr. GRASSLEY. In this article, bankruptcy lawyers are advised to send out letters to anyone who has visited them recently asking about bankruptcy. This form letter encourages people to declare bankruptcy because if Congress passes bankruptcy reform, ''Bankruptcy will be much more difficult, more expensive and probably [even] embarrassing.''

I hope this bill does make bankruptcy more embarrassing—and more difficult. In fact, I plead guilty that that is a motive behind our legislation. The American people want people who voluntarily incur debts to pay those debts as agreed. Bankruptcy should be difficult, and the moral stigma that used to be associated with bankruptcy ought to be resurrected.

Do we say that never is anybody entitled to a fresh start? No, you never say ''never.'' We have not in 100 years. The bankruptcy code, the national bankruptcy code, is 100 years old—when it was first passed. There has always been a concept that, maybe because of natural disaster, maybe because of a lot of illness, maybe even in some cases because of divorce, but things beyond your control, that you ought to have a fresh start. And we do not detract in this legislation from that 100-year tradition.

But we do say no to bankruptcy lawyers who advise this way or bankruptcy lawyers who send out notices that say, ''You had better file for bankruptcy right now because Congress might pass a bill and make it more difficult to do it.'' Or we respond positively to the FTC sending out a warning to people: ''Beware of people in the bankruptcy bar who are not acting in a responsible manner.''

I will give you another example of what is wrong with our bankruptcy system. A few weeks ago, the Washington Times quoted a local bankruptcy attorney advising his clients, ''. . . anybody who's going to file better do it now. Get in while the getting's good.''

What has happened to the notion of bankruptcy then as a last resort? What has happened to any sense of personal responsibility? How can anyone describe filing bankruptcies as ''getting in while the getting's good''? Mr. President, the getting may be good for the lawyers when someone else files for bankruptcy, but the rest of us have to pay the price—a $40-billion-a-year cost, $400 per family of four. That means any family of four is paying $400 more every year for increased costs of goods and services, because there is no free lunch when it comes to bankruptcy; somebody pays. The consumers of America are paying. It is a hidden tax.

Our bill will never do away completely with that hidden tax, but this legislation will reduce that hidden tax and hopefully be a small step towards the reestablishment of the principle of personal responsibility.

So the rest of us have to pay the price. This kind of attitude about bankruptcy represents some of what is wrong with our bankruptcy laws and why the current laws need to be changed. Not only do the current practices of bankruptcy lawyers do a disservice to their clients, they also cheat society as a whole. The integrity of the bankruptcy system depends in part upon the honesty and the competence of bankruptcy lawyers.

The Consumer Bankruptcy Reform Act makes necessary changes to correct abuses of the system by bankruptcy lawyers. It requires that attorneys investigate the financial resources of their clients. The bill holds attorneys responsible if they do not honestly determine that their clients really need bankruptcy protection.

In other words, we are just asking that lawyers do what they are trained to do, and that is to counsel people, counsel people in a responsible way. And just willy-nilly putting people into bankruptcy through some bankruptcy mill is not that sort of responsible jurisprudence.

If we want to keep bankruptcy available to those who really need it—in other words, the fresh start that for 100 years people have been entitled to—we have to address these misuses of the system by bankruptcy lawyers. This bill does exactly that. And in order for this bill to work, we need to reject the Feingold amendment and keep the incentives for responsible lawyer conduct currently in the bill.

I yield the floor.

Mr. SESSIONS addressed the Chair.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Mr. President, we have seen a lot of home runs hit lately—McGwire, Sosa, Griffey and company—but I think the Senator from Iowa has hit a home run. He is bringing to this Senate body his deeply held values arising out of his Midwest background about responsibility and integrity, making a system work like it ought to work, and standing up with courage and challenging those who would abuse the system.

I think sometimes Congress passes laws that make it easy for people to abuse the system. Senator GRASSLEY is taking the lead as the prime sponsor for this bill, with Senator DURBIN, to

correct some imbalances. I have been honored to have served on the subcommittee with him and the other members of that subcommittee and to see a bankruptcy bill come forward that actually improves the bankruptcy process while at the same time not denying those who need bankruptcy the right and opportunity to file bankruptcy as is provided for in our Constitution.

With regard to these attorneys' fees and to one of the provisions that would be eliminated by Senator FEINGOLD's amendment, I would like to make a couple comments.

First of all, the Feingold amendment would say that if somebody filed under chapter 7—that is, straight bankruptcy that wipes out all of your debts—and they were not substantially justified in that circumstance, then the trustee would have to file a motion to object and have a hearing and be paid for out of his funds. And if he prevailed, it would go into chapter 13, where the person filing bankruptcy would at least have to pay back a substantial part of his debts on a monthly basis in a payout plan, which we need more of in this country.

But the point is this. If the lawyer was not substantially justified in filing his client under chapter 7, and we had to conduct a court hearing to get the case transferred to chapter 13 because of his error, then who ought to pay? Under the Feingold amendment, the people who loaned money to the debtor would pay for the cost of getting the case transferred, instead of the lawyer who filed it. It doesn't just say the lawyer was in error. It said he was not ''substantially justified'' in filing.

The judges know who these lawyers are. They see them come before the courts all the time. The judges are going to give the lawyers a fair shake on these matters. They are not going to hit them every time a case is certified from chapter 7 to 13. But, if the attorney was not substantially justified in filing the case under Chapter 7, the debtor ought to pay. There is no free lunch. Somebody will pay.

I think the Senator from Iowa is correct. The Feingold amendment does undermine the integrity of the system. It takes the burden off of the lawyer, allows him to freely file wherever he wants. There is no burden on him to file it under the right act.

Once again, this is a historic bill and a good bill. I wish we could do some additional things which I believe are important. However, it does many, many things that are important and will improve a bankruptcy system that is out of control. It is to Senator GRASSLEY's credit that at a meeting with Members of the other party he agreed to a long list of amendments to be debated; I think 16. We need to move this bill. I thought we were down here this afternoon for people to offer amendments; they would offer them and debate them so we could vote on them and get on with this bill.

I have been in this body less than 2 years now, but it seems to me there are people who just don't want anything to pass. They want to go into November and say, ''The Republicans don't want to pass any legislation. They have a majority. We can't get legislation passed.''

If people have a right to present amendments and won't come to the floor, how will we get the bill up for a vote? It is almost a filibuster in secret—an underground filibuster.

I have been on Senator GRASSLEY's subcommittee and I care about this bill. We are interested in approving the bill if the amendments are good, and we need to oppose the amendments if they are not good. I think it is time for people who say they want good legislation to improve justice in America to present amendments. Let's get on with this legislation. The House has acted. It is time for the Senate to do our job. The result will be something good for America.

It was not a partisan bill in committee. It had overwhelming support in the subcommittee and came out of the full Senate Judiciary Committee 16–2, Democrats and Republicans alike joining in this amendment. I don't know why we aren't able to proceed and bring it to a vote and pass it. We have the kind of bill that will help this country. We ought not wait any longer. It is time to pass it.

I just note for the record that the Presiding Officer is a member of the Judiciary Committee and has been very supportive of this legislation and helped work hard to improve it. I thank the Chair for his leadership and skill as an attorney to contribute to this debate.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. GRASSLEY. Mr. President, I ask to speak for 15 minutes as in morning business.

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

DRUGS AND KIDS

Mr. GRASSELY. Mr. President, this past month, while we were away for the August recess, there was more bad news on the illegal drug front. It seems like the administration waits until no one is looking to release bad news. The administration waited until late in August and waited until a Friday afternoon to release the data. Needless to say, the President did not discuss this data on his regular radio show. I wonder why that is.

On Friday, 21 August, the annual Household Survey on Drug Abuse made its appearance. I want to share with my colleagues some of the data from that study. The information is based on a national survey of households in 1997. In this most recent survey, 24,000 people were interviewed, with an expanded survey for California and Arizona. For those of us concerned about drug use among our young, the numbers are disturbing.

Before I go into more detail on these numbers, let me explain something else. In this survey, as in all the others from this administration, there is an attempt to hide the pea. Most of my colleagues will remember the old carnival shell game. In the game, the object was to guess under which of three walnut shells the dealer hid the pea. Keep your eye on the shells.

According to the 1997 survey, 13.9 million Americans were current users of illicit drugs. A current user is someone who reported using in the past month before the survey. The survey notes that this is not a significant increase over 1996 when the number was 13 million. It also notes that this number is half of what it was in 1979, when the number was at its highest. Now, perhaps in someone's book an increase of 900,000 people is not statistically significant. But not in my book. It is even more significant that most of that increase is occurring among 12–17 year olds. The numbers are going up.

In 1992, there were 11 million current users. In 1993, there were 12 million. There are now almost 14 million. And these numbers may not tell the whole truth. Based on preliminary reviews of these household numbers by ONDCP, this type of survey is prone to undercounting. If that is true, then our problem could be very much more serious than we think. In addition, the administration is still trying to hide these numbers in happy talk about the reductions in drug use since 1979.

I am glad that we have not yet returned to the levels of reported use we saw in 1979. But let's remember something about how we got to those high levels then. They were the result of ignoring or making little of the fact that the United States had become a drug-using culture. In the early 1960's, there was no drug problem in this country. Less than 2 percent of the population indicated any regular drug use.

By 1979, that number had increased to over 10 percent, a fivefold increase. Those were the years of arguments that drugs were okay. That they did not hurt anyone. That you could use drugs responsibly. Our popular culture and many in our cultural elite made much of the benefits of using drugs. And who was the target audience for this message? It was kids, mostly aged 16–20. This age group began to experiment with illegal drugs in ever-increasing numbers. What that meant was that the increase in drug use between 1965 and 1979, while only 11 or so percent of the overall population, fell disproportionately on the young. This age group accounted for less than 25 percent of the population but bore most of

the increase in drug use. The consequence was and remains a natural and national disaster.

Most of our addict population today comes from that cohort of users. Much of our increases in crime and domestic violence trace back to this source.

That episode of rapidly expanding drug use also created a continuing market in this country for illegal drugs that keeps the drugs flowing to our streets. It also created a builtin lobbying group that seeks to legalize drugs and make them available to yet more kids to this day.

Despite this, after 1979, when we woke up to the problem, we made major strides in reducing use among young people. We were very successful. It is interesting that today's legalizers try to cover up that fact. They would have us believe that since you cannot make a difference, our only rational choice is to make drugs widely available. Never mind that this is patently not true. As others have discovered, there is a benefit in relying on public amnesia on certain issues and on the useful lie. The simple fact is, that in the 1980's and early 1990's, with Just Say No and the war on drugs, we reduced drug use among kids by over 50 percent. We reduced cocaine use, which was the drug of choice, by 70 percent.

These were phenomenal gains made in just a few years. It is that success that the present administration is trying to invoke to paper over bad news.

Let me cite some of the current numbers: In 1997, 11.4 percent of young people 12–17 reported using an illegal drug in the 30 days before the survey. In 1992, that number was 5.3 percent. What that means is that we have seen a doubling in the current use of an illegal drug among the most at-risk population in just 5 years. But the administration takes heart in the fact that the 11.4 percent number is still lower than the 14.2 percent number in 1979. The problem is, after 1979 the numbers started going down in response to public and government efforts. Today the trend is against us.

But there's worse. Between 1996 and 1997, current illegal drug use increased significantly among 12- and 13-year-olds, rising from 2.2 to 3.8 percent. We are now seeing the onset of drug use among younger and younger kids. And we know from studies and experience that the earlier the onset of use the longer drug use lasts. The earlier the onset the more serious are the physical, psychological, and health consequences, and the harder it is for treatment to have any effect. And more and more young people are trying drugs.

Based on these numbers, the rate of first use of marijuana among young adults was at the highest levels since 1980.

The estimated number of new heroin users among the young was at the highest levels in 30 years.

The rate of first use of cocaine among youth was at its highest level in 30 years.

These use numbers are bad enough but there's another trend that makes them even scarier. One of the things that predicts increases in use is attitudes toward the dangers of using drugs. When people think using is risky and bad, fewer people use. We see this correlation in the years drug use among 12–17-year-olds was declining. But in the last several years more and more kids see no danger in using drugs.

Somewhere between 1992 and today we lost our clear, consistent, coherent anti-drug message. As a result, 1998 is beginning to look a lot like 1968 in terms of attitudes toward drugs. We are seeing bolder and better-funded efforts by legalizers to push drugs in the public marketplace. Many in Hollywood and the recording industry are back with the them that drugs are your friend. The culture and intellectual elite are back to arguing pro-drug themes.

We are also the beneficiaries of ambivalent messages from the administration on drug use. It has favored needle giveaway programs. It has been largely inert on the effort to legalize marijuana by calling it a medicine. It has downgraded or deemphasized our law enforcement and interdiction programs. And it has consistently tried to whitewash the bad news with happy talk. When you see numbers like these, repeated year after year, you've got a trend. The trend is against us. Where is this administration on this issue. What is it going to do? Clearly, what it has done so far is not working.

This is not right. It is not good. We are today well on our way to creating a drug-using population of young people to pass on to the next generation of policy makers and politicians. We are in the process of committing many of the same mistakes we learned to correct just a few years ago. I have no doubt we will eventually realize the mistake, but how many kids are we going to sacrifice to this new learning before we recover our senses?

DRUGS IN THE HEARTLAND

Mr. GRASSLEY. Mr. President, during the last week of the August recess, I traveled around Iowa launching a statewide antidrug coalition effort. I have been working on putting this program together for the last 2 years. It is an effort to bring together elements from all across my State from all areas of life to deal with the growing drug problem. I have spoken often about this problem here and in many of my public speeches. While we often hear about drug use in our inner cities, we are, perhaps, a little less prepared to learn about major drug use problems in our rural areas. Well, it's here and it is every bit as serious as drug use in our major urban centers. On my trip around Iowa, a young man named Josh, all of 15 years old, joined me.

Josh began using drugs at 11 and was an addict before he was a teenager. He began using marijuana. His friends told him it was ''cool.'' He moved from that to just about every drug you can name. His story is becoming all too common. Last April, I held a field hearing in Cedar Rapids. The star witness at that hearing was a young woman of 17 who was a methamphetamine addict at 15. She was not only a user, she was also a pusher.

Today, methamphetamine use in Iowa is twice the national average. Iowa is the target for Mexican criminal gangs pushing this drug every bit as much as San Diego or Los Angeles. Iowa and other States in the Midwest are also becoming home to an epidemic of meth-producing laboratories.

Many of these are located on farms or in small towns little prepared to be drug-producing emporiums.

If you talk to local sheriffs or police officers in even tiny towns, the story is shocking. I had a letter recently from a policeman in Ottumwa, Iowa, the home of Radar O'Reilly. What he tells me is that meth is now a major problem in this community of 30,000. It's not just a problem of users. It is increasingly a problem of producers. Many of the meth addicts have gone into the business of making their own. It's all to easy. If they can't get advice on how to make meth from their friends or contacts, why, they can simply pull it down off the Internet. Try it, if you don't believe me, it's that easy. You can put a small lab together in your kitchen.

You can use common household chemicals or chemicals used in agriculture, a frying pan, coffee filters, and a microwave.

Police have found labs in trailers, in vans, and sport vehicles. According to the policeman from Ottumwa, hardware stores there are having a problem keeping supplies of drain cleaner in stock because it is popular with the kitchen-lab crowd. Farmers across Iowa are having trouble with people stealing anhydrous ammonia. Anhydrous ammonia is used as a fertilizer to help fix nitrogen in the soil to grow corn. It is also used to produce meth. Local addicts and producers are stealing it from farms. County farm bureau organizations are having to issue advisories to farmers how to spot these thefts. This is only one of the chemicals. Many of these are carcinogenic. They are all dangerous and polluting.

This means the lab sites are toxic and dangerous and expensive to clean up. In many cases, the toxic waste materials are dumped into the ground or poured down the kitchen sink.

One of the major farming magazines in Iowa, Wallaces Farmer, devoted most of its September issue to this problem. Wallace Farmers does not normally deal with drug questions. But the most recent issue has a 20-page special on how meth is tearing apart the heartland. This should tell us something about what's happening. This story is increasingly common not only in Iowa but throughout the Midwest and the West. It is a problem moving eastward.

Along with cocaine, heroin, marijuana, and inhalants, we are seeing a resurgence in drug use in this country. I will have more to say on this later. Like our earlier epidemic, most of this increased use is occurring among the young, between the ages of 12 and 20.

Drug use among this age group has doubled in the past 5 years. We are well on our way to recreating the drug epidemic of the 1960's and 1970's.

There are some people who seem to welcome this development. The financier, Mr. Soros, is spending some of his fortune to promote drug legalization. He has convinced others to join him. He has a lobbying group that uses funds to promote legalization in the States, internationally, and to give the idea intellectual legitimacy. He is joined in the argument to make drugs legal and therefore available by worthies like Milton Friedman and William F. Buckley, Jr. Hollywood, TV, and our recording industry recognize the market potential of this and have begun pushing drugs in movies, music, and entertainment.

Now, many of these people will tell you that they don't mean to sell drugs to our kids. They mean it for adults. I have a problem with that, but it's not the central concern. The chief problem is, few adults actually start using drugs. That's a risky behavior we find almost exclusively among young people before the age of 20. By divorcing this reality from the argument to legalize, these people are little different from tobacco company executives. At least, privately, the tobacco companies were prepared to acknowledge that the primary market for new smokers was teens and preteens. They did not hide behind polite fictions and intellectual smoke screens.

What we are seeing in my State today and across this country is the fruits of these labors. The most recent reports on teenage drug use continue a disturbing cycle. That is why I began work to fight back. While I think there are many things government can and must do to deal with this problem, it is not solely or even wholly something that government can do. We need parents, schools, business, and other folks at the community level engaged in dealing with this problem. We need to be doing a lot more. This is not just a money problem. Resources are necessary but they are not sufficient. This is a people problem and we need to engage people to fight back. If we don't we are going to find ourselves in a drug problem every bit as serious as our last one. We are perilously close to that now.

In closing, let me read something that Ben Stein, host of a TV game show, wrote recently about his young son. He took him to what he thought was a safe retreat in rural Idaho, far from his native Los Angeles, for a summer vacation. What he discovered there was that his 11-year-old was being exposed to drug use every day. The source of that was other kids. The users and pushers were kids telling kids that drugs were cool. After all, that was the message everywhere. They were also providing the drugs. Stein wrote how it made him feel:

> I don't like being under siege about my boy's future. . . . I wish I had some help here from my Hollywood, my home, my workshop. I'd like some help from ''The Simpsons'' and ''South Park'' in telling my son that dope smoking is for losers and fools, that being high is stupid and unnatural and unhealthy, and that the cool people take life as it comes, sober and healthy and in some control of their own destinies.

There are a lot more people out there under siege. We need to be doing something about that.

I yield the floor.

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

Mr. DOMENICI. Parliamentary inquiry, are we in morning business?

The PRESIDING OFFICER. The Senate is considering the bankruptcy bill, S. 1301.

Mr. DOMENICI. I ask unanimous consent that I be permitted to proceed for up to 10 minutes as in morning business.

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

Mr. DOMENICI. Mr. President, first, I say to my good friend, Senator GRASSLEY, I was here for most of his speech and discussion. I commend him for not only what he said today, which many, many people ought to read, but because of his constant effort in the Senate and, obviously, back in his home State directed at trying to get our young people some help with reference to this siege that is upon them with reference to illegal drugs. I commend the Senator from Iowa for it.

(The remarks of Mr. DOMENICI pertaining to the introduction of S. 2503 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

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

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

MORNING BUSINESS

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

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

ENHANCING NUCLEAR SECURITY

Mr. DASCHLE. Madam President, over the course of the past several months, I have come to the Senate floor on three occasions to discuss what I believe is the most important national security challenge we face today—reducing the risks associated with the spread and potential use of weapons of mass destruction. The depth and urgency of this challenge were dramatically illustrated in a recent article from Scientific American by Drs. Bruce Blair, Harold Feiveson, and Frank von Hippl. I am quoting from that article:

> [M]ilitary technicians at a handful of radar stations across northern Russia saw a troubling blip suddenly appear on their screens. A rocket, launched from somewhere off the coast of Norway, was rising rapidly through the night sky. Well aware that a single missile from a U.S. submarine plying those waters could scatter eight nuclear bombs over Moscow within 15 minutes, the radar operators immediately alerted their superiors. The message passed swiftly from Russian military authorities to the Russian President, who holding the electronic case that could order the firing of nuclear missiles in response, hurriedly conferred by telephone with his top advisors. For the first time ever, that nuclear briefcase was activated for emergency use.
>
> For a few tense minutes, the trajectory of the mysterious rocket remained unknown to the worried Russian officials. Anxiety mounted when the separation of multiple rocket stages created an impression of a possible attack by several missiles. But the radar crews continued to track their targets, and just a few minutes short of the procedural deadline to respond to an impending nuclear attack, senior military officers determined that the rocket was headed far out to sea and posed no threat to Russia.

As I noted, this chilling excerpt was not taken from Tom Clancy's latest techno-thriller. It happened. The event described did not occur during the heart of the Cold War. It happened January 25, 1995. It was not an isolated incident. According to public sources, Russian nuclear missiles have automatically switched to launch mode several times.

A look at the record since the January 25, 1995 incident demonstrates that, if anything, our concerns about Russia's early warning system, command and control system, and the morale of the people assigned to operate these systems, have only grown. That record is clear. No longer should anyone believe Russia's nuclear forces are exempt from the neglect and disarray that has been experienced by her conventional forces. A leading member of the Russian parliament, Lev Rokhlin, best summed up this deterioration: ''[Russia's] strategic nuclear forces are headed for extinction. There are no means to maintain the forces.'' The dramatic economic downturn in Russia's economic circumstances will only exacerbate this situation. Some may be tempted to take joy in this situation. They should not. As the event of January 25, 1995 reminds us, U.S. security is dependent on the reliability of Russia's strategic warning and launch control systems.

Reasonable people can only ask the obvious question: with the Soviet Union dissolved and the cold war over

for nearly seven years, how can the United States and Russia continue to be one bad call away from a nuclear disaster?

It is precisely for this reason that last September I sent a letter to the Congressional Budget Office asking them to assess the budget and security consequences of a series of measures designed to reduce the spread of nuclear weapons and the likelihood that they will ever be used. On Friday I received preliminary results from CBO on one means to accomplish this objective—improving Russia's confidence that it is not under attack by providing it with a global awareness of missile launches.

CBO reaches several conclusions in its report. First, there are a number of deficiencies in Russia's ground- and satellite-based early-warning systems. According to CBO, ''Russia's early warning radars will not detect all missile attacks, especially missiles launched on shallow trajectories from submarines.'' The situation is similar with respect to Russia's space-based platforms. Quoting CBO, ''Russia's satellite-based early-warning system also has shortcomings . . . CBO has estimated that its [satellite] fleet currently provides coverage of the U.S. missile fields for less than 17 hours a day. Thus, Russia cannot depend on its fleet to detect a U.S. missile launch.'' Second, CBO states that, ''shortcomings in Russia's early-warning system can have a direct effect on the security of the United States.'' Nothing demonstrates this reality better than the Norwegian missile launch. Third, there are a variety of options available to the United States and Russia to address deficiencies in Russia's early warning system. Although CBO rightly asserts that further study is required to ensure that U.S. security is enhanced, not compromised, CBO lays out 5 options for U.S. policymakers. I ask that all of my colleagues take a look at this excellent study.

It must be noted at this point that during the recently concluded U.S.-Russia summit, just days before CBO released its analysis to me, the Administration and the Russians reached agreement to implement the first of CBO's 5 options—sharing early warning information on the launch of ballistic missiles and space launch vehicles. I commend the Administration for this initiative. I believe it is a small but useful step. However, it does not fully address the underlying weaknesses in Russia's early warning systems. The proposal will give the Russians access to some of our early warning data but does nothing to improve Russia's own ability to collect and assess this same information.

Therefore, much more needs to be done, not only in the area of early warning but elsewhere, if we are to reduce the risk of the spread and use of weapons of mass destruction to an acceptable level. As I stand here today—nearly 8 years after the fall of the Berlin Wall and the end of the Cold War—the United States and Russia still possess nearly 14,000 strategic nuclear weapons and tens of thousands of tactical nuclear weapons. Even more alarming, both sides keep the vast majority of their strategic weapons on a high level of alert, greatly increasing the likelihood of an unauthorized or accidental launch.

Russia's current economic and fiscal woes only add to my sense of concern. Numerous press accounts point out that Russia's early warning sensors are aging and incomplete, its command and control system is deteriorating, and the morale of the personnel operating these systems is suffering as a result of lack of pay and difficult working conditions. The Washington Post ran an article just yesterday that illustrates how increasingly dire economic circumstances in Russia affect U.S. security. According to the Post, street protests are popping up all over Russia, including a town called Snezhinsk, home of a nuclear weapons laboratory where workers said they have not been paid for 5 months.

I believe reducing the risks posed by weapons of mass destruction in Russia and elsewhere must be our number one national security objective in the post-Cold War era. In this regard, there are 3 initiatives the United States could take immediately that begin to address these risks: de-alerting a portion of the U.S. and Russian strategic and nuclear weapons, ratifying the Comprehensive Test Ban Treaty, and pushing for much deeper reductions in nuclear weapons than currently contemplated in START II.

However, these measures alone are not enough. We must vigorously pursue other possible avenues, many of which may lie outside the traditional arms control process. Therefore, I have asked the Congressional Budget Office to explore the budgetary and security implications of numerous other ''non-traditional'' proposals. I understand this work is nearing completion and hope to report back to the Senate on CBO's findings before we adjourn. I look forward to working with my colleagues and the Administration in the next session of Congress to fully explore these proposals.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Madam President, at the close of business Friday, September 18, 1998, the federal debt stood at $5,516,026,623,213.76 (Five trillion, five hundred sixteen billion, twenty-six million, six hundred twenty-three thousand, two hundred thirteen dollars and seventy-six cents).

One year ago, September 18, 1997, the federal debt stood at $5,374,489,000,000 (Five trillion, three hundred seventy-four billion, four hundred eighty-nine million).

Twenty-five years ago, September 18, 1973, the federal debt stood at $460,592,000,000 (Four hundred sixty billion, five hundred ninety-two million) which reflects a debt increase of more than $5 trillion—$5,055,434,623,213.76 (Five trillion, fifty-five billion, four hundred thirty-four million, six hundred twenty-three thousand, two hundred thirteen dollars and seventy-six cents) during the past 25 years.

U.S. FOREIGN OIL CONSUMPTION FOR WEEK ENDING SEPTEMBER 11

Mr. HELMS. Mr. President, the American Petroleum Institute has reported that for the week ending September 11 that the U.S. imported 8,694,000 barrels of oil each day, 667,000 barrels a day less than the 9,371,000 imported during the same week a year ago.

While this is one of the rare weeks when Americans imported slightly less foreign oil than the same week a year ago, Americans still relied on foreign oil for 58 percent of their needs last week. There are no signs that the upward spiral will abate. Before the Persian Gulf war, the United States imported about 45 percent of its oil supply from foreign countries. During the Arab oil embargo in the 1970's, foreign oil accounted for only 35 percent of America's oil supply.

All Americans should ponder the economic calamity certain to occur in the United States, if and when, foreign producers shut off our supply—or double the already enormous cost of imported oil flowing into the United States: now 8,694,000 barrels a day at a cost of approximately $104,154,120 a day.

SECRETARY OF EDUCATION DICK RILEY'S ''BACK TO SCHOOL'' ADDRESS

Mr. KENNEDY. Mr. President, on September 15, 1998, at the National Press Club, Secretary of Education Dick Riley, delivered an impressive ''Back to School'' Address on the state of education in the nation.

No one has been more thoughtful and effective in the effort to improve public schools for all children. I believe all of us will be interested in seeing this important address, and I ask unanimous consent that it be printed in the RECORD.

THE CHALLENGE FOR AMERICA: A HIGH QUALITY TEACHER IN EVERY CLASSROOM

Good afternoon. At the beginning of every school year, I have the good fortune to come to the National Press Club to give my ''Back to School'' address. I have been traveling from Georgia to the Pacific Northwest as part of my annual back to school push, and I can tell you that America's schools are overflowing with children. It is an exciting time for children and parents; but in too many cases our schools are overcrowded, wearing out and in desperate need of modernization.

As I noted in our annual report on the ''baby-boom echo'' which we released last week, we are once again breaking the national enrollment record. There are currently 52.7 million young people in school and more on the way. And in the next ten

years we will need to recruit 2.2 million teachers to teach them.

This is why I believe that the education of our children should be this nation's number one national priority in this time of peace and prosperity. I also believe that this is the patriotic thing to do as well.

Like many of you I had the opportunity to see the movie, ''Saving Private Ryan.'' It is a wonderful movie that acknowledges the sacrifice of a generation of Americans who did their duty in World War II. Tom Hanks plays Captain Miller, an English teacher, who does what he has to do, even at the risk of his own life. I believe that the new patriots of our time will be those Americans, young and old, who go into teaching to educate this generation of children.

And I will tell you this—as I travel around the country, parents tell me again and again that they have very clear priorities about what we should be doing here in Washington. They want safe schools, our help in building new schools and modernizing old ones, smaller classes, and the assurance that there is a good teacher in every classroom. This is the nation's business and we need to get on with it.

If Congress is serious about getting dollars to the classrooms, I urge them to enact our legislation to modernize our schools and reduce class size by hiring 100,000 new teachers. Rearranging existing programs, which seems to be the intent of the Congress, does nothing to address the real challenges facing schools today. In addition, Congress should fund the President's initiatives in the Appropriations bill that they are now considering.

The focus of my speech is on what we must do to prepare the next generation of teachers and this is why I am releasing a report today entitled ''Promising Practices'' which highlights new ways that we can improve teacher quality. This publication was developed following a national search for models of excellence that address the needs at every stage of a teacher's career.

In preparing my remarks I have had the good advice of three members of my staff—two former National Teachers of the Year—Terry Dozier and Mary Beth Blegen—as well as that of Paul Schwarz, the former principal of a nationally recognized high school—Central Park East in New York City. Like all good teachers Terry, Mary Beth and Paul have clear opinions about how we can improve American education. In other words, they do not mince words. So I won't either.

MISSING THE MARK IN RECRUITING NEW TEACHERS

I am concerned that we are missing the mark when it comes to preparing the next generation of teachers. We do not seem to recognize the magnitude of the task ahead. In the next ten years, we need to recruit 2.2 million teachers. One-half to two-thirds of these teachers will be first time teachers.

We have more than a million veteran teachers on the verge of retiring. The first chart attached to my speech makes this point very vividly. By my reckoning, we are about five years away from a very dramatic change in our teaching force.

The vast majority of these experienced teachers who are about to retire are women. This, in fact, may be the last generation of women who went into teaching because there were limited opportunities in other fields. In 1998, women have many more career options—and that is a very good thing for our nation. These new opportunities for women will require us, then, to work much, much harder to recruit and train a new generation of teachers.

Many people ask me whether we have a teacher shortage. My answer is yes. We face a shortage of high quality teachers. We are already seeing spot shortages developing in specific fields of expertise—math, science, special education and bilingual education. The recent news that New York City recruited math teachers from Austria highlights this growing dynamic.

School districts usually find a way to put somebody in front of every classroom, and that is the problem. Too many school districts are sacrificing quality for quantity to meet the immediate demand of putting a warm body in front of a classroom. This is a mistake. Even now, too many school districts are issuing emergency licenses.

Many of these emergency teachers are dedicated and want to do their best. But I have heard about and read too many horror stories about provisional teachers who are teaching by the seat of their pants with no preparation and no guidance.

The coming wave of retirements has enormous implications in our continuing effort to raise standards, to develop successful recruitment strategies, and prepare new teachers. We also need to recognize that the teaching profession is dramatically changing—the use of computers, teaching in teams, and the recognition that children learn in many different ways—are just three of the many factors reshaping this demanding profession.

Three other dynamics also require our attention: the increasing diversity of our classrooms and the lack of diversity of our teaching force; the increasing number of special education children and Limited English Proficient (LEP) children in the regular classroom and teachers who lack the training to teach them; and the need for many more incentives to keep veteran teachers up-to-date and in the classroom.

WHAT IS WRONG WITH THE SYSTEM

I believe we also need to take a hard look at the very structure of our current teaching system and get on with the task of modernizing it as well. We cannot allow an outdated teaching system to frustrate and even destroy the hopes and dreams of too many teachers.

The task is multi-dimensional. For example, too many teacher education programs are focused on theory and not enough on clinical experience.

Also, the current certification process is a cumbersome obstacle course that has little to do with excellence and much more to do with filling out paperwork.

And once a new teacher enters the classroom we allow a perverse ''sink or swim'' approach to define the first years in teaching. New teachers are usually assigned the most difficult classes in addition to all the extracurricular activities that no one else wants to supervise. Then we wonder why we lose 22% of new teachers in the first three years—and close to 50% in our urban areas.

This churning process and over-reliance on emergency teachers just doesn't cut it in my opinion. Imagine the outcry if a quarter of all new doctors left the profession after their first three years. This is why I encourage local school districts to develop some type of long-term induction or mentoring program to help new teachers stay in the profession.

CREATING A NATIONAL PARTNERSHIP

Education, as I have said many times before, is a state responsibility, a local function and a national priority. We cannot address the task at hand in a piecemeal fashion. We need a nationwide partnership among K–12 leaders, our higher education community, and political leaders at all levels.

Now a great deal of effort has gone into improving and supporting the teaching profession in the last decade. The National Commission on Teaching led by Governor Jim Hunt of North Carolina and Linda Darling Hammond has provided an excellent ''road map'' to improve the teaching profession. This is all to the good. But now we need to make things happen and go to a new level of intensity.

And I assure you—we will place a very strong emphasis on teacher quality when we ask the Congress to reauthorize the Elementary and Secondary Education Act next year. The bipartisan leaders of the Congressional education committee understand that need, and we will be working with them to shape that legislation.

IMPROVING RECRUITMENT

There are other steps we can take now to encourage more Americans to enter the teaching profession.

The Clinton Administration strongly supports the Feinstein-Boxer Amendment to the Higher Education Act that will provide Pell Grants for a fifth year to those college students who want to become teachers and need another year to meet state fifth year requirements. This is particularly important to the state of California which has the daunting task of recruiting 250,000 teachers in the next decade.

I am pleased that strong support is developing in the Congress for improvements in teacher education and standards. The Administration will continue to press the Congress to pass our proposals to recruit nearly 35,000 teachers over the next five years for underserved areas. As members meet today to advance this higher education legislation, I urge them to support our recruitment proposals.

This important piece of legislation will almost certainly include valuable new teacher loan forgiveness provisions that have been championed by Senator Kennedy.

I also urge Congress to fund the President's initiative to train new teachers in technology.

I support the creation of some type of national job bank to match teachers with districts with a growing shortage of quality teachers. There are wide regional variations in the need for teachers. We can do a lot to help get teachers in different parts of the country matched with school districts in other regions that are facing growing shortages.

At the same time, the increasing mobility of Americans is going to require states and school districts to take a serious look at the portability of teacher credentials, their years in service, and pensions. We do not need artificial shortages developing because states have not brought their policies up-to-date.

Our federal efforts to enlist millions of Americans to go into teaching can have an impact. Our best hope, however, is the strong encouragement of parents and grandparents whose lives have been touched by good teachers. I get distressed when I hear stories about parents discouraging their children from going into teaching. Teaching is about serving your country and being patriotic.

I also challenge the myth that teaching is only for those who can't cut it in other professions. Anyone who has ever spent an hour in a classroom full of demanding second graders or had the challenge of motivating a group of teenagers knows how difficult the job can be.

America's teachers are some of the most idealistic and patriotic Americans in this country. I am extremely proud of them. So many of them have entered teaching because they want to change the world and many of them do.

What are our other challenges?

CHALLENGES TO AMERICA'S HIGHER EDUCATION COMMUNITY

I challenge the leaders of America's great colleges and universities to make teacher

education a much higher day-to-day priority. Teaching teachers has to be the mission of the entire university.

Our nation's colleges of education can no longer be quiet backwaters that get a mere mention in the annual report to university trustees. College administrators who complain about the high cost of remedial classes would do well to pay more attention to how they prepare teachers. Here several suggestions come to mind.

First, colleges of education should give basic skills tests to students entering teacher education programs prior to their acceptance and at the same time hold themselves more accountable for their graduates. This is why I endorse the thrust for accountability by Senator Bingaman and Representative George Miller.

Second, stronger links must be developed between our colleges of arts and sciences and colleges of education. Future teachers should major in the subject they want to teach, and that type of course work takes place in the colleges of arts and sciences.

Third, I urge teacher prep programs to put a much stronger focus on giving future teachers rigorous grounding in developing the skills they need to teach. It is harder than you think. Knowing your content is not enough. There is a skill and a craft to it all, and that is especially true when it comes to teaching reading. This is why I believe that every teacher who is seeking a certificate in elementary education should have solid preparation in reading.

One of the major aspects of the reading bill now up in the Congress is strong support for increased professional development for reading. I support this effort and ask the Congress to pass this needed legislation. We will never raise standards if we just stay with the status quo when it comes to improving literacy.

Fourth, colleges of education need to recognize that our special education and LEP populations are growing and deserve much more of their attention as they prepare teachers.

Finally, I urge colleges and universities to develop much stronger links with local schools. The El Paso school district, which we feature in our report ''Promising Practices,'' has dramatically improved its test scores by working hand-in-hand with the University of Texas in El Paso to improve teacher education.

CHALLENGES TO STATE GOVERNMENT AND LOCAL SCHOOL DISTRICTS

State governments and local school districts have a powerful role to play in reshaping the teaching profession.

This is why I challenge every state to create a demanding but flexible certification process. Becoming a teacher should not be an endurance test that requires future teachers to overcome a bureaucratic maze of hoops and paperwork.

I believe a much stronger focus should be placed on assessing the knowledge and skills of future teachers however they got them. This is why I support rigorous alternative pathways to teaching which can be so helpful in recruiting mid-career professionals to the teaching profession.

I challenge every state to eliminate the practice of granting emergency licenses within the next five years. You cannot set standards and then immediately discard them when the need for another warm body arises. New York State has taken the lead in doing away with emergency licenses and other states should follow this good example.

At the same time, we cannot challenge high poverty schools to raise their standards and then shortchange them by doing nothing to help them recruit the best teachers. This is why we are pushing the Congress to pass our strong teacher recruitment initiative. At the same time, our nation's urban areas have to do their part as well. Outdated hiring practices sometimes seem to be the reason that they are losing good candidates for teaching positions to suburban school districts.

State and local school districts must also end the practice of teaching ''out of field.'' (Over 30 percent of all math teachers, for example, are now teaching out of field.) I believe that every teacher, at a minimum, should have a minor in the subject that they teach.

I cannot even begin to tell you how baffled foreign education ministers are who visit me when I explain our unusual habit of allowing teachers to teach ''out of field.''

INCENTIVES FOR VETERAN TEACHERS

As we seek to raise standards for our students, we need to work much harder at giving veteran teachers the opportunity to keep on learning. Current professional development courses with their emphasis on workshops that put a premium on ''seat time'' really need to become a thing of the past.

We are developing more and more evidence that school districts that invest in quality professional development for their teachers see positive results in the classroom. The good work of Tony Alvarado in District 2 in New York City, who made sure learning new skills was an everyday experience for his teachers is a wonderful national model.

We need other incentives as well. The current system of providing salary increases for credits earned seems flawed. There is often no connection between the credits earned by a teacher and what he or she actually teaches in the classroom. And, there is little incentive to encourage teachers to gain more knowledge or improve specific skills for their classrooms. Excellence, in a word, is not rewarded.

Only 14 states, for example, currently provide salary supplements to those teachers who set out to become master teachers through the National Board Certification process. As a result many of the best teachers leave the classroom to get a bigger paycheck as a school administrator.

This is why I ask states and local school districts to take a good look at a new and developing concept called ''knowledge and skill-based pay.'' Put simply, teachers are paid extra for new skills and knowledge they acquire. Teachers under this system get rewarded for specific skills and knowledge that help a school reach its own established goals.

Now, a word about teacher salaries. As I have said many times before, we cannot expect to get good teachers on the cheap. Mary Beth Blegen, the national teacher of the year in 1996, was being paid a $36,000 salary with 30 years of experience—a fraction of what she deserved—and what other professionals expect after years in service.

If we are going to entice more Americans to enter teaching we need to offer them fair and competitive salaries. And, if we are going to ask teachers to meet new and demanding standards we also need to pay them for their effort.

States like Connecticut and North Carolina have had the good sense to raise standards for teachers and raise salaries at the same time. The results in the classroom are promising. I believe every state would be wise to follow their good example.

If we really want to recruit and retain good teachers we need to let them teach in first class school buildings. What kind of message do we send our children and our teachers when we ask them to go to a run down school building just a mile down the road from an immaculate prison? President Clinton has proposed a very strong school construction initiative. Congress needs to get off the dime and pass it.

In this speech, I have challenged many different groups to come forward and join a national partnership for excellence in teaching. It seems appropriate to end my remarks by taking a moment to talk to America's teachers. You are the heart and soul of the renaissance of American education. As I travel throughout the country, I have the opportunity to meet many of you. Each time I am struck by how important, yet how difficult, your job is.

As teachers, you are being asked to know more and do more than ever before. Please continue your good work and go out of your way to recruit new teachers. Let others know the joy you get from teaching. Help the struggling teacher to improve—and help to counsel out of the profession those who cannot. And make the effort to measure yourselves against the best.

I end now with a quote from an old friend of mine from South Carolina, the writer Pat Conroy. This quote is from his novel ''Prince of Tides.'' In this passage, Tom, a teacher who is the main character of the book is asked why he chose to ''sell himself short'' when he was so talented and could have done anything in his life.

Tom's reply goes like this, ''There's no word in the language that I revere more than 'teacher.'" None. ''My heart sings'' he says, ''when a kid refers to me as his teacher and it always has. I've honored myself and the entire family of man by becoming a teacher.''

With that I thank all teachers on behalf of the American people. Thank you.

CHILD CUSTODY PROTECTION ACT

Mr. GRAMS. Madam President, I rise today in support of the Child Custody Protection Act. Nearly half the States have adopted laws which require some kind of parental involvement in their minor daughter's decision to have an abortion. Increasingly, these laws are being undermined by adults who take a pregnant girl across State lines for a secret abortion.

The Child Custody Protection Act will make it a Federal offense for someone, other than the minor girl's parent, to transport her knowingly across State lines in order to usurp her home State's abortion parental notification or consent laws. It does not impose any new parental notification or consent requirements on any State. It merely prevents the undermining of parental involvement laws in States that have them.

The Child Custody Protection Act is a parental rights bill. It prevents the circumvention of State laws, a policy all of us should support. It protects our daughters against manipulation and abuse. I urge the support of this legislation by all of my colleagues.

PARTIAL BIRTH ABORTION BAN

Mr. GRAMS. Madam President, I rise today to express my deep disappointment over the Senate's failure to override the President's veto of legislation which would ban the inhumane procedure known as partial-birth abortion.

A majority of the Congress agrees that the partial-birth abortion ban is

not about the politics of pro-life and pro-choice. It is legislation that addresses a far more fundamental issue—our intolerance, as a civilized community, to allow this unparalleled cruelty to continue.

I thank Senator SANTORUM for his heartfelt dedication and determination to making this issue a priority for the Senate this session. His sincere, passionate speeches delivered during floor debate spoke directly to the hearts of his colleagues and to the American people.

This is the second time the Senate has voted on an override of a Clinton veto of a prohibition on partial-birth abortion. The will of both Houses of Congress, and of the American people is clear. I am dedicated to passing the partial-birth abortion ban, as I know are most of my colleagues in the Senate. We will continue this fight until we have succeeded, and I urge the Senate leadership to make the ban on partial-birth abortions the first piece of legislation we take up in the 106th Congress.

MESSAGES FROM THE HOUSE RECEIVED DURING ADJOURNMENT

ENROLLED JOINT RESOLUTION SIGNED

Under the authority of the order of the Senate of January 7, 1997, the Secretary of the Senate, on September 18, 1998, during the adjournment of the Senate, received a message from the House of Representatives announcing that the Speaker has signed the following enrolled joint resolution:

H.J. Res. 128. Joint resolution making continuing appropriations for the fiscal year 1999, and for other purposes.

Under the authority of the order of the Senate of January 7, 1997, the enrolled joint resolution was signed by the President pro tempore (Mr. THURMOND) on September 21, 1998.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. THOMPSON, from the Committee on Governmental Affairs, with an amendment in the nature of a substitute and an amendment to the title:

H.R. 2675: A bill to require that the Office of Personnel Management submit proposed legislation under which group universal life insurance and group variable universal life insurance would be available under chapter 87 of title 5, United States Code, and for other purposes (Rept. No. 105–337).

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources:

Report to accompany the bill (H.R. 2493) to establish a mechanism by which the Secretary of Agriculture and the Secretary of the Interior can provide for uniform management of livestock grazing on Federal lands (Rept. No. 105–338).

By Mr. SPECTER, from the Committee on Veterans' Affairs, with an amendment in the nature of a substitute and an amendment to the title:

S. 730: A bill to make retroactive the entitlement of certain Medal of Honor recipients to the special pension provided for persons entered and recorded on the Army, Navy, Air Force, and Coast Guard Medal of Honor Roll (Rept. No. 105–339).

By Mr. SPECTER, from the Committee on Veterans' Affairs, with an amendment in the nature of a substitute:

S. 1021: A bill to amend title 5, United States Code, to provide that consideration may not be denied to preference eligibles applying for certain positions in the competitive service, and for other purposes (Rept. No. 105–340).

By Mr. SPECTER, from the Committee on Veterans' Affairs, with an amendment:

S. 2273: A bill to increase, effective as of December 1, 1998, the rates of disability compensation for veterans with service-connected disabilities, and the rates of dependency and indemnity compensation for survivors of certain service-connected disabled veterans, and for other purposes (Rept. No. 105–341).

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. BREAUX (for himself, Mr. MACK, and Mr. FAIRCLOTH):

S. 2502. A bill to amend title 17, United States Code, to provide for protection of certain original designs; to the Committee on the Judiciary.

By Mr. DOMENICI:

S. 2503. A bill to establish a Presidential Commission to determine the validity of certain land claims arising out of the Treaty of Guadalupe-Hidalgo of 1848 involving the descendants of persons who were Mexican citizens at the time of the Treaty; to the Committee on Energy and Natural Resources.

By Mr. DASCHLE (for Mrs. BOXER):

S. 2504. A bill to authorize the construction of temperature control devices at Folsom Dam, California; to the Committee on Energy and Natural Resources.

By Mr. CRAIG (for himself and Mr. KEMPTHORNE):

S. 2505. A bill to direct the Secretary of the Interior to convey title to the Tunnison Lab Hagerman Field Station in Gooding County, Idaho, to the University of Idaho; to the Committee on Environment and Public Works.

By Mr. GRASSLEY (for himself, Mr. KYL, and Mr. HATCH):

S.J. Res. 56. A joint resolution expressing the sense of Congress in support of the existing Federal legal process for determining the safety and efficacy of drugs, including marijuana and other Schedule I drugs, for medicinal use; read the first time.

By Mr. KYL (for Mr. GRASSLEY (for himself, Mr. KYL, and Mr. HATCH)):

S.J. Res. 57. A joint resolution expressing the sense of Congress in support of the existing Federal legal process for determining the safety and efficacy of drugs, including marijuana and other Schedule I drugs, for medicinal use; to the Committee on Labor and Human Resources.

STATEMENT ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BREAUX (for himself, Mr. MACK, and Mr. FAIRCLOTH):

S. 2502. A bill to amend title 17, United States Code, to provide for protection of certain original designs; to the Committee on the Judiciary.

THE VESSEL HULL DESIGN PROTECTION ACT OF 1998

● Mr. BREAUX. Mr. President, today I introduce a bill cosponsored by Senators MACK and FAIRCLOTH entitled the Vessel Hull Design Protection Act of 1998. This bill will attempt to stop a very troubling problem facing America's marine manufacturers—the unauthorized copying of boat hull designs. Such piracy threatens the integrity of the United States marine manufacturing industry and the safety of American boaters.

A boat manufacturer invests significant resources in creating a safe, structurally sound, high performance boat hull design from which a line of vessels can be manufactured. Standard practice calls for manufacturing engineers to create a hull model, or ''plug'', from which they cast a ''mold''. This mold is then used for mass production of boat hulls. Unfortunately, those intent on pirating such a design can simply use a finished boat hull to develop their own mold. This copied mold can then be used to manufacture boat hulls identical in appearance to the original line, and at a cost well below that incurred by the original designer.

This so-called ''hull splashing'' is a significant problem for consumers, manufacturers, and boat design firms. American consumers are defrauded in the sense that they do not benefit from the many aspects of the original hull design that contribute to its structural integrity and safety, and they are not aware that the boat they have purchased has been copied from an existing design. Moreover, if original manufacturers are undersold by these copies, they may no longer be willing to invest in new, innovative boat designs—boat designs that could provide safer, less expensive, quality watercraft for consumers.

In the past, a number of States have enacted anti-boat-hull-copying, or ''plug mold'', statutes to address the problem of hull splashing. These States include my State of Louisiana, as well as Alabama, California, Florida, Indiana, Kansas, Maryland, Mississippi, Missouri, Tennessee, and Wisconsin. However, a decision by the U.S. Supreme Court in *Bonito Boats* v. *Thundercraft Boats, Inc.,* 489 U.S. 141 (1989), invalidated these State statutes on the basis that they infringed on the federal government's exclusive jurisdiction over the protection of intellectual property. In essence, the Supreme Court held that vessel hull design protection may be a legitimate goal, but it is Congress' job to provide it, not the States. The legislation we are introducing today is designed to do that job.

Such initiatives as this one are not new to Congress. In 1984, Congress acted to protect the unique nature of design work when it passed the Semiconductor Chip Protection Act. This act was designed to protect the mask works of semiconductor chips, which are essentially the molds from which

the chips are made, against unauthorized duplication. I believe that the approach Congress took in that legislation should also be applied to protect boat hull designs. The Boat Protection Act of 1998 would work in concert with current federal law to protect American marine manufacturers from harmful and unfair competition.

Mr. President, I want my colleagues to take note of the fact that an identical bill, H.R. 2696, has already been passed in the House of Representatives by unanimous consent. I want to urge my colleagues to support the Vessel Hull Design Protection Act of 1998 and to join in this effort to protect the American public and the marine manufacturing community from the dangers and impropriety of hull splashing.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 2502

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

SECTION 1. SHORT TITLE.

This Act may be referred to as the ''Vessel Hull Design Protection Act''.

SEC. 2. PROTECTION OF CERTAIN ORIGINAL DESIGNS.

Title 17, United States Code, is amended by adding at the end the following new chapter:

''CHAPTER 12—PROTECTION OF ORIGINAL DESIGNS

''Sec.
''1201. Designs protected.
''1202. Designs not subject to protection.
''1203. Revisions, adaptations, and rearrangements.
''1204. Commencement of protection.
''1205. Term of protection.
''1206. Design notice.
''1207. Effect of omission of notice.
''1208. Exclusive rights.
''1209. Infringement.
''1210. Application for registration.
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''1212. Oaths and acknowledgments.
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''1214. Certification of registration.
''1215. Publication of announcements and indexes.
''1216. Fees.
''1217. Regulations.
''1218. Copies of records.
''1219. Correction of errors in certificates.
''1220. Ownership and transfer.
''1221. Remedy for infringement.
''1222. Injunctions.
''1223. Recovery for infringement.
''1224. Power of court over registration.
''1225. Liability for action on registration fraudulently obtained.
''1226. Penalty for false marking.
''1227. Penalty for false representation.
''1228. Enforcement by Treasury and Postal Service .
''1229. Relation to design patent law.
''1230. Common law and other rights unaffected.
''1231. Administrator; Office of the Administrator.
''1232. No retroactive effect.

''§ 1201. Designs protected

''(a) DESIGNS PROTECTED.—

''(1) IN GENERAL.—The designer or other owner of an original design of a useful article which makes the article attractive or distinctive in appearance to the purchasing or using public may secure the protection provided by this chapter upon complying with and subject to this chapter.

''(2) VESSEL HULLS.—The design of a vessel hull, including a plug or mold, is subject to protection under this chapter, notwithstanding section 1202(4).

''(b) DEFINITIONS.—For the purpose of this chapter, the following terms have the following meanings:

''(1) A design is 'original' if it is the result of the designer's creative endeavor that provides a distinguishable variation over prior work pertaining to similar articles which is more than merely trivial and has not been copied from another source.

''(2) A 'useful article' is a vessel hull, including a plug or mold, which in normal use has an intrinsic utilitarian function that is not merely to portray the appearance of the article or to convey information. An article which normally is part of a useful article shall be deemed to be a useful article.

''(3) A 'vessel' is a craft, especially one larger than a rowboat, designed to navigate on water, but does not include any such craft that exceeds 200 feet in length.

''(4) A 'hull' is the frame or body of a vessel, including the deck of a vessel, exclusive of masts, sails, yards, and rigging.

''(5) A 'plug' means a device or model used to make a mold for the purpose of exact duplication, regardless of whether the device or model has an intrinsic utilitarian function that is not only to portray the appearance of the product or to convey information.

''(6) A 'mold' means a matrix or form in which a substance for material is used, regardless of whether the matrix or form has an intrinsic utilitarian function that is not only to portray the appearance of the product or to convey information.

''§ 1202. Designs not subject to protection

''Protection under this chapter shall not be available for a design that is—

''(1) not original;

''(2) staple or commonplace, such as a standard geometric figure, a familiar symbol, an emblem, or a motif, or another shape, pattern, or configuration which has become standard, common, prevalent, or ordinary;

''(3) different from a design excluded by paragraph (2) only in insignificant details or in elements which are variants commonly used in the relevant trades;

''(4) dictated solely by a utilitarian function of the article that embodies it; or

''(5) embodied in a useful article that was made public by the designer or owner in the United States or a foreign country more than 1 year before the date of the application for registration under this chapter.

''§ 1203. Revisions, adaptations, and rearrangements

''Protection for a design under this chapter shall be available notwithstanding the employment in the design of subject matter excluded from protection under section 1202 if the design is a substantial revision, adaptation, or rearrangement of such subject matter. Such protection shall be independent of any subsisting protection in subject matter employed in the design, and shall not be construed as securing any right to subject matter excluded from protection under this chapter or as extending any subsisting protection under this chapter.

''§ 1204. Commencement of protection

''The protection provided for a design under this chapter shall commence upon the earlier of the date of publication of the registration under section 1213(a) or the date the design is first made public as defined by section 1210(b).

''§ 1205. Term of protection

''(a) IN GENERAL.—Subject to subsection (b), the protection provided under this chapter for a design shall continue for a term of 10 years beginning on the date of the commencement of protection under section 1204.

''(b) EXPIRATION.—All terms of protection provided in this section shall run to the end of the calendar year in which they would otherwise expire.

''(c) TERMINATION OF RIGHTS.—Upon expiration or termination of protection in a particular design under this chapter, all rights under this chapter in the design shall terminate, regardless of the number of different articles in which the design may have been used during the term of its protection.

''§ 1206. Design notice

''(a) CONTENTS OF DESIGN NOTICE.—Whenever any design for which protection is sought under this chapter is made public under section 1210(b), the owner of the design shall, subject to the provisions of section 1207, make it or have it marked legibly with a design notice consisting of—

''(A) the words 'Protected Design', the abbreviation 'Prot'd Des.', or the letter 'D' with a circle, or the symbol *D*;

''(B) the year of the date on which protection for the design commenced; and

''(C) the name of the owner, an abbreviation by which the name can be recognized, or a generally accepted alternative designation of the owner.

Any distinctive identification of the owner may be used for purposes of subparagraph (C) if it has been recorded by the Administrator before the design marked with such identification is registered.

''(2) After registration, the registration number may be used instead of the elements specified in subparagraphs (B) and (C) of paragraph (1).

''(b) LOCATION OF NOTICE.—The design notice shall be so located and applied as to give reasonable notice of design protection while the useful article embodying the design is passing through its normal channels of commerce.

''(c) SUBSEQUENT REMOVAL OF NOTICE.—When the owner of a design has complied with the provisions of this section, protection under this chapter shall not be affected by the removal, destruction, or obliteration by others of the design notice on an article.

''§ 1207. Effect of omission of notice

''(a) ACTION WITH NOTICE.—Except as provided in subsection (b), the omission of the notice prescribed in section 1206 shall not cause loss of the protection under this chapter or prevent recovery for infringement under this chapter against any person who, after receiving written notice of the design protection, begins an undertaking leading to infringement under this chapter.

''(b) ACTIONS WITHOUT NOTICE.—The omission of the notice prescribed in section 1206 shall prevent any recovery under section 1224 against a person who began an undertaking leading to infringement under this chapter before receiving written notice of the design protection. No injunction shall be issued under this chapter with respect to such undertaking unless the owner of the design reimburses that person for any reasonable expenditure or contractual obligation in connection with such undertaking that was incurred before receiving written notice of the design protection, as the court in its discretion directs. The burden of providing written notice of design protection shall be on the owner of the design.

''§ 1208. Exclusive rights

''The owner of a design protected under this chapter has the exclusive right to—

''(1) make, have made, or import, for sale or for use in trade, any useful article embodying that design; and

''2 sell or distribute for sale or for use in trade any useful article embodying that design.

''§ 1209. Infringement

''(a) ACTS OF INFRINGEMENT.—Except as provided in subsection (b), it shall be infringement of the exclusive rights in a design protected under this chapter for any person, without the consent of the owner of the design, within the United States and during the term of such protection, to—

''(1) make, have made, or import, for sale or for use in trade, any infringing article as defined in subsection (e); or

''(2) sell or distribute for sale or for use in trade any such infringing article.

''(b) ACTS OF SELLERS AND DISTRIBUTORS.—A seller or distributor of an infringing article who did not make or import the article shall be deemed to have infringed on a design protected under his chapter only if that person—

''(1) induced or acted in collusion with a manufacturer to make, or an importer to import such article, except that merely purchasing or giving an order to purchase such article in the ordinary course of business shall not of itself constitute such inducement or collusion; or

''(2) refused or failed, upon the request of the owner of the design, to make a prompt and full disclosure of that person's source of such article, and that person orders or reorders such article after receiving notice by registered or certified mail of the protection subsisting in the design.

''(c) ACTS WITHOUT KNOWLEDGE.—It shall not be infringement under this section to make, have made, import, sell, or distribute, any article embodying a design which was created without knowledge that a design was protected under this chapter and was copied from such protected design.

''(d) ACTS IN ORDINARY COURSE OF BUSINESS.—A person who incorporates into that person's product of manufacture an infringing article acquired from others in the ordinary course of business, or who, without knowledge of the protected design embodied in an infringing article, makes or processes the infringing article for the account of another person in the ordinary course of business, shall not be deemed to have infringed the rights in that design under this chapter except under a condition contained in paragraph (1) or (2) of subsection (b). Accepting an order or reorder from the source of the infringing article shall be deemed ordering or reordering within the meaning of subsection (b)(2).

''(e) INFRINGING ARTICLE DEFINED.—As used in this section, an 'infringing article' is any article the design of which has been copied from a design protected under this chapter, without the consent of the owner of the protected design. An infringing article is not an illustration or picture of a protected design in an advertisement, book, periodical, newspaper, photograph, broadcast, motion picture, or similar medium. A design shall not be deemed to have been copied from a protected design if it is original and not substantially similar in appearance to a protected design.

''(f) ESTABLISHING ORIGINALITY.—The party to any action or proceeding under this chapter who alleges rights under this chapter in a design shall have the burden of establishing the design's originality whenever the opposing party introduces an earlier work which is identical to such design, or so similar as to make prima facie showing that such design was copied from such work.

''(g) REPRODUCTION FOR TEACHING OR ANALYSIS.—It is not an infringement of the exclusive rights of a design owner for a person to reproduce the design in a useful article or in any other form solely for the purpose of teaching, analyzing, or evaluating the appearance, concepts, or techniques embodied in the design, or the function of the useful article embodying the design.

''§ 1210. Application for registration

''(a) TIME LIMIT FOR APPLICATION FOR REGISTRATION.—Protection under this chapter shall be lost if application for registration of the design is not made within two years after the date on which the design is first made public.

''(b) WHEN DESIGN IS MADE PUBLIC.—A design is made public when an existing useful article embodying the design is anywhere publicly exhibited, publicly distributed, or offered for sale or sold to the public by the owner of the design or with the owner's consent.

''(c) APPLICATION BY OWNER OF DESIGN.—Application for registration may be made by the owner of the design.

''(d) CONTENTS OF APPLICATION.—The application for registration shall be made to the Administrator and shall state—

''(1) the name and address of the designer or designers of the design;

''(2) the name and address of the owner if different from the designer;

''(3) the specific name of the useful article embodying the design;

''(4) the date, if any, that the design was first made public, if such date was earlier than the date of the application;

''(5) affirmation that the design has been fixed in a useful article; and

''(6) such other information as may be required by the Administrator.

The application for registration may include a description setting forth the salient features of the design, but the absence of such a description shall not prevent registration under this chapter.

''(e) SWORN STATEMENT.—The application for registration shall be accompanied by a statement under oath by the applicant or the applicant's duly authorized agent or representative, setting forth, to the best of the applicant's knowledge and belief—

''(1) that the design is original and was created by the designer or designers named in the application;

''(2) that the design has not previously been registered on behalf of the applicant or the applicant's predecessor in title; and

''(3) that the applicant is the person entitled to protection and to registration under this chapter.

If the design has been made public with the design notice prescribed in section 1206, the statement shall also describe the exact form and position of the design notice.

''(f) EFFECT OF ERRORS.—(1) Error in any statement or assertion as to the utility of the useful article named in the application under this section, the design of which is sought to be registered, shall not affect the protection secured under this chapter.

''(2) Errors in omitting a joint designer or in naming an alleged joint designer shall not affect the validity of the registration, or the actual ownership or the protection of the design, unless it is shown that the error occurred with deceptive intent.

''(g) DESIGN MADE IN SCOPE OF EMPLOYMENT.—In a case in which the design was made within the regular scope of the designer's employment and individual authorship of the design is difficult or impossible to ascribe and the application so states, the name and address of the employer for whom the design was made may be stated instead of that of the individual designer.

''(h) PICTORIAL REPRESENTATION OF DESIGN.—The application for registration shall be accompanied by two copies of a drawing or other pictorial representation of the useful article embodying the design, having one or more views, adequate to show the design, in a form and style suitable for reproduction, which shall be deemed a part of the application.

''(i) DESIGN IN MORE THAN ONE USEFUL ARTICLE.—If the distinguishing elements of a design are in substantially the same form in different useful articles, the design shall be protected as to all such useful articles when protected as to one of them, but not more than one registration shall be required for the design.

''(j) APPLICATION FOR MORE THAN ONE DESIGN.—More than one design may be included in the same application under such conditions as may be prescribed by the Administrator. For each design included in an application the fee prescribed for a single design shall be paid.

''§ 1211. Benefit of earlier filing date in foreign country

''An application for registration of a design filed in the United States by any person who has, or whose legal representative or predecessor or successor in title has, previously filed an application for registration of the same design in a foreign country which extends to designs of owners who are citizens of the United States, or to applications filed under this chapter, similar protection to that provided under this chapter shall have that same effect as if filed in the United States on the date on which the application was first filed in such foreign country, if the application in the United States is filed within 6 months after the earliest date on which any such foreign application was filed.

''§ 1212. Oaths and acknowledgments

''(a) IN GENERAL.—Oaths and acknowledgments required by this chapter—

''(1) may be made—

''(A) before any person in the United States authorized by law to administer oaths; or

''(B) when made in a foreign country, before any diplomatic or consular officer of the United States authorized to administer oaths, or before any official authorized to administer oaths in the foreign country concerned, whose authority shall be proved by a certificate of a diplomatic or consular officer of the United States; and

''(2) shall be valid if they comply with the laws of the State or country where made.

''(b) WRITTEN DECLARATION IN LIEU OF OATH.—(1) The Administrator may by rule prescribe that any document which is to be filed under this chapter in the Office of the Administrator and which is required by any law, rule, or other regulation to be under oath, may be subscribed to by a written declaration in such form as the Administrator may prescribe, and such declaration shall be in lieu of the oath otherwise required.

''(2) Whenever a written declaration under paragraph (1) is used, the document containing the declaration shall state that willful false statements are punishable by fine or imprisonment, or both, pursuant to section 1001 of title 18, and may jeopardize the validity of the application or document or a registration resulting therefrom.

''§ 1213. Examination of application and issue or refusal of registration

''(a) DETERMINATION OF REGISTRABILITY OF DESIGN; REGISTRATION.—Upon the filing of an application for registration in proper form under section 1210, and upon payment of the fee prescribed under section 1216, the Administrator shall determine whether or not the application relates to a design which on its face appears to be subject to protection under this chapter, and, if so, the Register shall register the design. Registration under this subsection shall be announced by publication. The date of registration shall be the date of publication.

''(b) REFUSAL TO REGISTER; RECONSIDERATION.—If, in the judgment of the Administrator, the application for registration relates to a design which on its face is not subject to protection under this chapter, the Administrator shall send to the applicant a notice of refusal to register and the grounds for the refusal. Within 3 months after the date on which the notice of refusal is sent, the applicant may, by written request, seek reconsideration of the application. After consideration of such a request, the Administrator shall either register the design or send to the applicant a notice of final refusal to register.

''(c) APPLICATION TO CANCEL REGISTRATION.—Any person who believes he or she is or will be damaged by a registration under this chapter may, upon payment of the prescribed fee, apply to the Administrator at any time to cancel the registration on the ground that the design is not subject to protection under this chapter, stating the reasons for the request. Upon receipt of an application for cancellation, the Administrator shall send to the owner of the design, as shown in the records of the Office of the Administrator, a notice of the application, and the owner shall have a period of 3 months after the date on which such notice is mailed in which to present arguments to the Administrator for support of the validity of the registration. The Administrator shall also have the authority to establish, by regulation, conditions under which the opposing parties may appear and be heard in support of their arguments. If, after the periods provided for the presentation of arguments have expired, the Administrator determines that the applicant for cancellation has established that the design is not subject to protection under this chapter, the Administrator shall order the registration stricken from the record. Cancellation under this subsection shall be announced by publication, and notice of the Administrator's final determination with respect to any application for cancellation shall be sent to the applicant and to the owner of record.

''§ 1214. Certification of registration

''Certificates of registration shall be issued in the name of the United States under the seal of the Office of the Administrator and shall be recorded in the official records of the Office. The certificate shall state the name of the useful article, the date of filing of the application, the date of registration, and the date the design was made public, if earlier than the date of filing of the application, and shall contain a reproduction of the drawing or other pictorial representation of the design. If a description of the salient features of the design appears in the application, the description shall also appear in the certificate. A certificate of registration shall be admitted in any court as prima facie evidence of the facts stated in the certificate.

''§ 1215. Publication of announcements and indexes

''(a) PUBLICATIONS OF THE ADMINISTRATOR.—The Administrator shall publish lists and indexes of registered designs and cancellations of designs and may also publish the drawings or other pictorial representations of registered designs for sale or other distribution.

''(b) FILE OF REPRESENTATIVES OF REGISTERED DESIGNS.—The Administrator shall establish and maintain a file of the drawings or other pictorial representations of registered designs. The file shall be available for use by the public under such conditions as the Administrator may prescribe.

''§ 1216. Fees

''The Administrator shall by regulation set reasonable fees for the filing of applications to register designs under this chapter and for other services relating to the administration of this chapter, taking into consideration the cost of providing these services and the benefit of a public record.

''§ 1217. Regulations

''The Administrator may establish regulations for the administration of this chapter.

''§ 1218. Copies of records

''Upon payment of the prescribed fee, any person may obtain a certified copy of any official record of the Office of the Administrator that relates to this chapter. That copy shall be admissible in evidence with the same effect as the original.

''§ 1219. Correction of errors in certificates

''The Administrator may, by a certificate of correction under seal, correct any error in a registration incurred through the fault of the Office, or, upon payment of the required fee, any error of a clerical or typographical nature occurring in good faith but not through the fault of the Office. Such registration, together with the certificate, shall thereafter have the same effect as if it has been originally issued in such corrected form.

''§ 1220. Ownership and transfer

''(a) PROPERTY RIGHT IN DESIGN.—The property right in a design subject to protection under this chapter shall vest in the designer, the legal representatives of a deceased designer or of one under legal incapacity, the employer for whom the designer created the design in the case of a design made within the regular scope of the designer's employment, or a person to whom the rights of the designer or of such employer have been transferred. The person in whom the property right is vested shall be considered the owner of the design.

''(b) TRANSFER OF PROPERTY RIGHT.—The property right in a registered design, or a design for which an application for registration has been or may be filed, may be assigned, granted, conveyed, or mortgaged by an instrument in writing, signed by the owner, or may be bequeathed by will.

''(c) OATH OR ACKNOWLEDGEMENT OF TRANSFER.—An oath or acknowledgment under section 1212 shall be prima facie evidence of the execution of an assignment, grant, conveyance, or mortgage under subsection (b).

''(d) RECORDATION OF TRANSFER.—An assignment, grant, conveyance, or mortgage under subsection (b) shall be void as against any subsequent purchaser or mortgagee for a valuable consideration, unless it is recorded in the Office of the Administration within 3 months after its date of execution or before the date of such subsequent purchase or mortgage.

''§ 1221. Remedy for infringement

''(a) IN GENERAL.—The owner of a design is entitled, after issuance of a certificate of registration of the design under this chapter, to institute an action for any infringement of the design.

''(b) REVIEW OF REFUSAL TO REGISTER.—(1) Subject to paragraph (2), the owner of a design may seek judicial review of a final refusal of the Administrator to register the design under this chapter by bringing a civil action, and may in the same action, if the court adjudges the design subject to protection under this chapter, enforce the rights in that design under this chapter.

''(2) The owner of a design may seek judicial review under this section if—

''(A) the owner has previously duly filed and prosecuted to final refusal an application in proper form for registration of the design;

''(B) the owner causes a copy of the compliant in the action to be delivered to the Administrator within 10 days after the commencement of the action; and

''(C) the defendant has committed acts in respect to the design which would constitute infringement with respect to a design protected under this chapter.

''(c) ADMINISTRATOR AS PARTY TO ACTION.—The Administrator may, at the Administrator's option, become a party to the action with respect to the issue of registrability of the design claim by entering an appearance within 60 days after being served with the complaint, but the failure of the Administrator to become a party shall not deprive the court of jurisdiction to determine that issue.

''(d) USE OF ARBITRATION TO RESOLVE DISPUTE.—The parties to an infringement dispute under this chapter, within such time as may be specified by the Administrator by regulation, may determine the dispute, or any aspect of the dispute, by arbitration. Arbitration shall be governed by title 9. The parties shall give notice of any arbitration award to the Administrator, and such award shall, as between the parties to the arbitration, be dispostive of the issues to which it relates. The arbitration award shall be unenforceable until such notice is given. Nothing in this subsection shall preclude the Administrator from determining whether a design is subject to registration in a cancellation proceeding under section 1213(c).

§ 1222. Injunctions

''(a) IN GENERAL.—A court having jurisdiction over actions under this chapter may grant injunctions in accordance with the principles of equity to prevent infringement of a design under this chapter, including, in its discretion, prompt relief by temporary restraining orders and preliminary injunctions.

''(b) DAMAGES FOR INJUNCTIVE RELIEF WRONGFULLY OBTAINED.—A seller or distributor who suffers damage by reason of injunctive relief wrongfully obtained under this section has a cause of action against the applicant for such injunctive relief and may recover such relief as may be appropriate, including damages for lost profits, cost of materials, loss of good will, and punitive damages in instances where the injunctive relief was sought in bad faith, and, unless the court finds extenuating circumstances, reasonable attorney's fees.

''§ 1223. Recovery for infringement

''(a) DAMAGES.—Upon a finding for the claimant in an action for infringement under this chapter, the court shall award the claimant damages adequate to compensate for the infringement. In addition, the court may increase the damages to such amount, not exceeding $50,000 or $1 per copy, whichever is greater, as the court determines to be just. The damages awarded shall constitute compensation and not a penalty. The court may receive expert testimony as an aid to the determination of damages.

''(b) INFRINGER'S PROFITS.—As an alternative to the remedies provided in subsection (a), the court may award the claimant the infringer's profits resulting from the sale of the copies if the court finds that the infringer's sales are reasonably related to the use of the claimant's design. In such a case, the claimant shall be required to prove only the amount of the infringer's sales and the infringer shall be required to prove its expenses against such sales.

''(c) STATUTE OF LIMITATIONS.—No recovery under subsection (a) or (b) shall be had for any infringement committed more than 3 years before the date on which the complaint is filed.

''(d) ATTORNEY'S FEES.—In an action for infringement under this chapter, the court may award reasonable attorney's fees to the prevailing party.

''(e) DISPOSITION OF INFRINGING AND OTHER ARTICLES.—The court may order that all infringing articles, and any plates, molds, patterns, models, or other means specifically adapted for making the articles, be delivered up for destruction or other disposition as the court may direct.

''§ 1224. Power of court over registration

''In any action involving the protection of a design under this chapter, the court, when appropriate, may order registration of a design under this chapter or the cancellation of such a registration. Any such order shall be certified by the court to the Administrator, who shall make an appropriate entry upon the record.

''§ 1225. Liability for action on registration fraudulently obtained

''Any person who brings an action for infringement knowing that registration of the design was obtained by a false or fraudulent representation materially affecting the rights under this chapter, shall be liable in the sum of $ 10,000, or such part of that amount as the court may determine. That amount shall be to compensate the defendant and shall be charged against the plaintiff and paid to the defendant, in addition to such costs and attorney's fees of the defendant as may be assessed by the court.

''§ 1226. Penalty for false marking

''(a) IN GENERAL.—Whoever, for the purpose of deceiving the public, marks upon, applies to, or uses in advertising in connection with an article made, used, distributed, or sold, a design which is not protected under this chapter, a design notice specified in section 1206, or any other words or symbols importing that the design is protected under this chapter, knowing that the design is not so protected, shall pay a civil fine of not more than $500 for each such offense.

''(b) SUIT BY PRIVATE PERSONS.—Any person may sue for the penalty established by subsection (a), in which event one-half of the penalty shall be awarded to the person suing and the remainder shall be awarded to the United States.

''§ 1227. Penalty for false representation

''Whoever knowingly makes a false representation materially affecting the rights obtainable under this chapter for the purpose of obtaining registration of a design under this chapter shall pay a penalty of not less than $500 and not more than $1,000, and any rights or privileges that individual may have in the design under this chapter shall be forfeited.

''§ 1228. Enforcement by Treasury and Postal Service

''(a) REGULATIONS.—The Secretary of the Treasury and the United States Postal Service shall separately or jointly issue regulations for the enforcement of the rights set forth in section 1208 with respect to importation. Such regulations may require, as a condition for the exclusion of articles from the United States, that the person seeking exclusion take any one or more of the following actions:

''(1) Obtain a court order enjoining, or an order of the International Trade Commission under section 337 of the Tariff Act of 1930 excluding, importation of the articles.

''(2) Furnish proof that the design involved is protected under this chapter and that the importation of the articles would infringe the rights in the design under this chapter.

''(3) Post a surety bond for any injury that may result if the detention or exclusion of the articles proves to be unjustified.

''(b) SEIZURE AND FORFEITURE.—Articles imported in violation of the rights set forth in section 1208 are subject to seizure and forfeiture in the same manner as property imported in violation of the customs laws. Any such forfeited articles shall be destroyed as directed by the Secretary of the Treasury or the court, as the case may be, except that the articles may be returned to the country of export whenever it is shown to the satisfaction of the Secretary of the Treasury that the importer had no reasonable grounds for believing that his or her acts constituted a violation of the law.

''§ 1229. Relation to design patent law

''The issuance of a design patent under title 35 for an original design for an article of manufacture shall terminate any protection of the original design under this chapter.

''§ 1230. Common law and other rights unaffected

''Nothing in this chapter shall annul or limit—

''(1) common law or other rights or remedies, if any, available to or held by any person with respect to a design which has not been registered under this chapter; or

''(2) any right under the trademark laws or any right protected against unfair competition.

''§ 1231. Administrator; Office of the Administrator

''In this chapter, the 'Administrator' is the Register of Copyrights, and the 'Office of the Administrator' and the 'Office' refer to the Copyright Office of the Library of Congress.

''§ 1232. No retroactive effect

''Protection under this chapter shall not be available for any design that has been made public under section 1210(b) before the effective date of this chapter.''.

SEC. 3. CONFORMING AMENDMENTS.

(a) TABLE OF CHAPTERS.—The table of chapters for title 17, United States Code, is amended by adding at the end the following:

''12. Protection of Original Designs ..... 1201''.

(b) JURISDICTION OF DISTRICT COURTS OVER DESIGN ACTIONS.—(1) Section 1338(c) of title 28, United States Code, is amended by inserting '', and to exclusive rights in designs under chapter 12 of title 17,'' after ''title 17''.

(2)(A) The section heading for section 1338 of title 28, United States Code, is amended by inserting ''DESIGNS,'' after ''MASK WORKS,''.

(B) The item relating to section 1338 in the table of sections at the beginning of chapter 85 of title 28, United States Code, is amended by inserting ''designs,'' after ''mask works,''.

(c) PLACE FOR BRINGING DESIGN ACTIONS.—Section 1400(a) of title 28, United States Code, is amended by inserting ''or designs'' after ''mask works''.

(d) ACTIONS AGAINST THE UNITED STATES.—Section 1498(e) of title 28, United States Code, is amended by inserting '', and to exclusive rights in designs under chapter 12 of title 17,'' after ''title 17''.

SEC. 4. EFFECTIVE DATE.

The amendments made by sections 2 and 3 shall take effect one year after the date of the enactment of this Act.●

By Mr. DOMENICI:

S. 2503. A bill to establish a Presidential Commission to determine the validity of certain land claims arising out of the Treaty of Guadalupe-Hidalgo of 1848 involving the descendants of persons who were Mexican citizens at the time of the Treaty; to the Committee on Energy and Natural Resources.

GUADALUPE-HIDALGO TREATY LAND CLAIMS EQUITY ACT OF 1998

Mr. DOMENICI. Madam President, the bill I am introducing today is the first step in addressing a longstanding unfairness that has blemished the conscience of New Mexico's history. It is an injustice that dates back to the time when Jefferson Davis, Daniel Webster, and Sam Houston walked the Halls of the Capitol as Senators.

In 1848, the United States signed the Treaty of Guadalupe-Hidalgo with Mexico. Under this treaty, the United States acquired the territory that is now California, Nevada, Utah, Arizona, New Mexico, Colorado, and Wyoming. The Treaty of Guadalupe-Hidalgo solved some problems but created others. It failed to adequately protect the civil and property rights of the people living in the newly annexed territory.

This bill is a very important piece of legislation. It is the opportunity to reverse the heritage of ill-will between the Hispanic people and the Federal Government. Hispanic descendants have been waiting for 150 years to get the Federal Government to fairly look into the land grant situation.

We ratified a treaty with property rights guarantees provisions which, in retrospect, have turned out to be inadequate. John R. Van Ness, described the treaty as an enormous real estate deal, but the land grant claimants were led to believe that their property rights would be honored and protected. Some officials with the Federal Government, on the other hand, expected to get clear title to most of the land it was paying for regardless of the existing property rights of the Mexicans.

The land grant applicants have endured hostile government officials. At one point, President Cleveland appointed William Andrew Sparks, as surveyor general for New Mexico. Sparks has been described by historians as ''steeped in prejudice against New Mexico, its people and their property rights.'' We had corrupt lawyers, and a confederation of opportunists who used long legal battles to acquire empires that extended over millions of acres—all at the expense of Hispanics.

In 1891, the Surveyor General was replaced by the Court of Private Land Claims. The situation went from bad to worse because the court's procedures heavily favored the Government and the result was injustice.

The New Mexico Court of Claims required that claimants prove that the Spanish or Mexican granting official had the legal authority to issue the land grant. Consequently, many New Mexico land grants were held to be not legitimate. As a result, the New Mexico court rejected two-thirds of the claims presented before it. Ultimately, by one account written by Richard Griswold del Castillo, only 82 grants received congressional confirmation. This represented only 6 percent of the total area sought by land claimants. The Court of Private Land Claims enlarged the national domain of the Federal Government at the expense of hundreds of Hispanic villages, leaving a bitter legacy.

This bill is based on legislation recently passed by Congressman BILL

REDMOND. This is a major piece of legislation, and I commend Congressman REDMOND. He came to Washington, and he quickly identified one of the most important and longstanding disputes that his constituents have had with the Federal Government and he took decisive action. He passed a major bill to begin the process of seeing what these claims were all about and adjudicating them, if possible.

Members retire from 20- and 30-year careers and never achieve the passage of an important piece of legislation, and yet, Congressman REDMOND got this bill passed in the House in his first term.

Congressman REDMOND's bill creates a Presidential commission to adjudicate the community land grants located in New Mexico. It is designed to benefit descendants of Mexican citizens who settled in Mew Mexico before the Treaty of Guadalupe-Hidalgo. The purpose of the legislation is to determine which community land grants could be reconstituted from land currently held by the Federal Government—and I repeat, from land currently held by the Federal Government. The legislation finally implements the spirit of Treaty of Guadalupe-Hidalgo.

I told Congressman REDMOND that I would sponsor his bill in the Senate, and today I am introducing the companion bill. I am proud to do so.

I have made some changes and only a couple of additions in the version of this bill that I am introducing today.

The changes are based on the lessons I have learned from talking to the heirs of some of the land grants; and from reviewing the history; and from talking to scholars, historians, and land grant lawyers.

I want to thank Roberto Mondragon, Max Cordova, Estevan Arellano, Joyce Guerin, Georgia Roybal, Juan Sanchez, Pedro Gutierrez, Jr., and Roberto Torrez for their invaluable help.

I have also asked the Indian leaders to review the legislation in draft form. While I have not yet received their comments, I want them to know that I view their issues to be important, and I look forward to working with them and for them.

First, it seems to me that the Federal Government needs to take an affirmative role in obtaining the necessary documentation needed to prove the validity of the community land grant claims. Unfortunately, many of the New Mexico documents were destroyed during the Pueblo revolt. But scholars have told me that the Mexican and Spanish governments have ever-improving archives that may indeed contain what these New Mexicans need. This bill requires the Secretary of State to negotiate an agreement with Mexico and Spain for access to the documents. It seems especially appropriate that in 1998, as New Mexico celebrates its 400th anniversary of the first Hispanic settlement, that our Government would begin negotiating the necessary agreements for access to these critical and historically significant documents.

In reading the histories it seemed to me that there was a lot of ambiguity in the treaty and even more ambiguity and discretion in the statutes establishing the Surveyor General and the Court of Private Land Claims.

I believe history supports my view that ambiguity works to the detriment of the land grant claimants. Therefore, I propose that before the commission begin its work on adjudicating specific claims it first develop clear and concise rules so that everyone will be treated fairly. This legislation requires the Presidential commission to be formed and then to develop a Code of Land Claims Procedure that would be reviewed by the Energy Committee to insure that it is fair in the Senate and its counterpart in the House.

Once the documents are available and the rules have been spelled out, the commission would be ready to adjudicate the land claims.

Trying to do justice 150 years after the fact is complicated. This legislation holds harmless private land owners and the Indians of New Mexico with reference to their claims, their lands, and with reference to access to their sacred sites. It makes sure that title companies and lenders will be satisfied that this legislation and any petitions for reconstituting the land grants will not adversely affect private property. It makes sure that our State Engineer is satisfied with the criteria used to deal with land claims without upsetting our system of water rights. I believe we can all agree that we do not want to have the Federal Government interfering in these various areas.

The legislation calls upon the commission in its Code of Land Claims Procedure to have a clear set of rules for what can and cannot be done for our Indian people.

I am hopeful that this bill can address what has for too long been a tale of land loss and denial without creating new problems or injustices.

Madam President, I ask unanimous consent that a copy of the bill and a Spanish translation of my remarks appear in the RECORD.

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

S. 2503

SECTION 1. SHORT TITLE: TABLE OF CONTENTS

(a) SHORT TITLE.—This Act may be cited as the ''Guadalupe-Hidalgo Treaty Land Claims Equity Act of 1998.''

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title: table of contents.
Sec. 2. Definitions and findings.
Sec. 3. Establishment and membership of Commission.
Sec. 4. International Document Procurement Agreement.
Sec. 5. Development of the Code of Land Grant Claims Procedure.
Sec. 6. Examination of land claims.
Sec. 7. Community Land Grant Study Center.
Sec. 8. Miscellaneous powers of Commission.
Sec. 9. Report.
Sec. 10. Termination.
Sec. 11. Authorization of appropriations.

SEC. 2. DEFINITIONS AND FINDINGS.

(a) DEFINITIONS.—For purpose of this Act:

(1) COMMISSION.—The term ''Commission'' means the Guadalupe-Hidalgo Treaty Land Claims Commission established under section 3.

(2) TREATY OF GUADALUPE-HIDALGO.—The term ''Treaty of Guadalupe-Hidalgo'' means the treaty of Peace, Friendship, Limits, and Settlement (Treaty of Guadalupe Hidalgo), between the United States and the Republic of Mexico, signed February 2, 1848 (TS 207: 9 Bevans 791).

(3) ELIGIBLE DESCENDANT.—The term ''eligible descendant'' means a descendent of a person who—

(A) was a Mexican citizen before the Treaty of Guadalupe Hidalgo;

(B) was a member of a community land grant; and

(C) became a United States citizen within ten years after the effective date of the Treaty of Guadalupe-Hidalgo, May 30, 1848, pursuant to the terms of the Treaty.

(4) COMMUNITY LAND GRANT.—The term ''community land grant'' means a village, town, settlement, or pueblo consisting of land held in common (accompanied by lesser private allotments) by three or more families under a grant from the King of Spain (or his representative) before the effective date of the Treaty of Cordova, August 24, 1821, or from the authorities of the Republic of Mexico before May 30, 1848, in what became the State of New Mexico, regardless of the original character of the grant.

(5) RECONSTITUTED.—The term ''reconstituted'', with regard to a valid community land grant, means restoration to full status as a municipality with rights properly belonging to a municipality under State law and the right of local self-government.

(b) FINDINGS.—Congress finds the following:

(1) New Mexico has a unique history regarding the acquisition of ownership of land as a result of the substantial number of Spanish and Mexican land grants that were an integral part of the colonization and growth of New Mexico before the United States acquired the area in the Treaty of Guadalupe-Hidalgo.

(2) Various provisions of the Treaty of Guadalupe-Hidalgo have not yet been fully implemented in the spirit of Article VI, Section 2, of the Constitution of the United States.

(3) Serious questions regarding the prior ownership of lands in the State of New Mexico, particularly certain public lands, still exist.

(4) Congressionally established land claim commissions have been used in the past to successfully examine disputed land possession questions.

SEC. 3. ESTABLISHMENT AND MEMBERSHIP OF COMMISSION.

(a) ESTABLISHMENT.—There is established a commission to be known as the ''Guadalupe-Hidalgo Treaty Land Claims Commission.''

(b) NUMBER AND APPOINTMENT OF MEMBERS.—The Commission shall be composed of five members appointed by the President, by and with the advice and consent of the Senate. At least two of the members of the Commission shall be selected from among persons who are eligible descendants. All members shall demonstrate knowledge and expertise about the history and law associated with the New Mexico land grants.

(c) TERMS.—Each member shall be appointed for the life of the Commission. A vacancy in the Commission shall be filled in the manner in which the original appointment was made.

(d) COMPENSATION.—Members shall each be entitled to receive the daily equivalent of level V of the Executive Schedule for each day (including travel time) during which they are engaged in the actual performance of duties vested in the Commission.

SEC. 4.—INTERNATIONAL AGREEMENTS FOR COOPERATION IN THE PROCUREMENT OF RELEVANT DOCUMENTS.

(a) FINDINGS.—Congress recognizes that—

(1) the availability of documents concerning community land grants in the State of New Mexico in the United States is limited; and

(2) a fair and equitable evaluation of the community land grants will depend upon obtaining a comprehensive compilation of the relevant documents available.

(b) BILATERAL AGREEMENTS.—The Secretary of State is authorized to negotiate bilateral agreements with the Governments of Mexico and Spain to obtain their full cooperation with the Commission so that the Commission will have access to certified copies of all relevant documents in those countries relating to community land grants in the State of New Mexico.

SEC. 5.—DEVELOPMENT OF CODE OF LAND GRANT CLAIMS PROCEDURES.

(a) DEVELOPMENT OF PROCEDURES.—Not later than one year after the date on which the second bilateral agreement described in section 4 is concluded, the Commission shall develop workable and equitable procedures, in clear and concise form, for land grant evaluations, including but not limited to—

(1) a criteria for the Commission to use during its evaluation of what constituted a legal community land grant under Mexican and Spanish law;

(2) the scope of admissible evidence;

(3) appropriate presumptions, if any, regarding previous adjudications made by the Surveyor General and the Court of Private Land Claims, and other court decisions involving the Treaty;

(4) a set of procedural rules setting forth the burden of proof that the Commission will use in determining the validity of community land grants;

(5) an outline of investigative services the Commission proposes to make available to land grant claimants;

(6) safeguard, acceptable to title insurance companies, to ensure that private property owners will not be affected, either with the threat of losing possession to their property or any impairment to the legal, equitable or clear title to their property by the work of the Commission.

(8) safeguard, acceptable to the New Mexico State Engineer, that clearly protect and do not in any way affect the water rights of any person or entity;

(9) safeguards, acceptable to the various Native American Tribes and Pueblos, that clearly protect the status quo regarding existing Indian Lands;

(10) procedures, acceptable to the various Native American Tribes and Pueblos, that—

(A) provide them with access to sacred sites that may eventually be adjudicated as community land grants, and that may become part of any reconstituted community land grant; and

(B) require that any such sites be identified by the various Native American Tribes and Pueblos during the development of the Code of Land Grant Claims Procedures for the Commission;

(11) an outline of the rights and responsibilities of community land grantees if a community land grant is reconstituted, and

(12) any other items the Commission deems appropriate and necessary.

(b) REVIEW BY CONGRESSIONAL ENERGY COMMITTEES.—Prior to beginning the examination of specific community land claims, the Commission shall submit the Code of Land Claims Procedure to the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives. The Committees shall have ninety days to hold hearings and examine the Code. The Commission may not commence evaluations of specific community land claims earlier than the 90 days after the date of submission of the Code under this subsection.

SEC. 6. EXAMINATION OF LAND CLAIMS LOCATED IN NEW MEXICO.

(a) SUBMISSION OF NEW MEXICO LAND CLAIMS PETITIONS.—Any three (of more) eligible descendants who are also descendants of the same community land grant may file with the Commission a petition on behalf of themselves and all other descendants of that community land grant seeking a determination of the validity of the land claim that is the basis for the petition.

(b) DEADLINE FOR SUBMISSION.—To be considered by the Commission a petition under subsection (a) must be received by the Commission not later than five years after the date on which the Committee on Energy and Natural Resources and the Committee on Resources of the House of Representatives has completed the 90-day review period.

(c) ELEMENTS OF PETITION.—A petition under subsection (a) shall be made under oath and shall contain the following:

(1) The names and addresses of the eligible descendants who are petitioners.

(2) The fact that the land involved in the petition was a community land grant at the time of the effective date of the Guadalupe-Hidalgo Treaty and that such land is now within the borders of the State of New Mexico.

(3) The extent of the community land grant, to the best of the knowledge of the petitioners, accompanies with a survey or, if a survey is not feasible for them, a sketch map thereof.

(4) The fact that the petitioners reside, or intend to settle upon, the community land grant.

(5) All facts known to petitioners concerning the community land grant, together with copies of all papers in regard thereto available to petitioners.

(d) PETITION HEARING.—At one or more designated locations in the State of New Mexico, the Commission shall hold a hearing upon each petition timely submitted under this section, at which hearing all persons having an interest in the land involved in the petition shall have the right, upon notice, to appear as a party.

(e) SUBPOENA POWER.—

(1) IN GENERAL.—The commission may issue subpoenas requiring the attendance and testimony of witnesses and the production of any evidence relating to any petition submitted under subsection (a). The attendance of witnesses and the production of evidence may be required from any place within the United States at any designated place of hearing within the State of New Mexico.

(2) FAILURE TO OBEY A SUBPOENA.—If a person refuses to obey a subpoena issued under paragraph (1), the Commission may apply to a United States district court for an order requiring that person to appear before the Commission to give testimony, produce evidence, or both, relating to the matter under investigation. The application may be made within the judicial district where the hearing is conducted or where that person is found, resides, or transacts business. Any failure to obey the order of the court may be punished by the court as civil contempt.

(3) SERVICE OF SUBPOENAS.—The subpoenas of the Commission shall be served in the manner provided for subpoenas issued by a United States district court under the Federal Rules of Civil Procedure for the United States district courts.

(4) SERVICE OF PROCESS.—All process of any court to which application is to be made under paragraph (2) may be served in the judicial district in which the person required to be served resides or may be found.

(f) DECISION.—On the basis of the facts contained in a petition submitted under subsection (a), and the hearing held with regard to the petition, the commission shall determine, consistent with the Code of Land Claims Procedure, the validity of the community land grant described in the petition. The decision shall include a recommendation of the Commission regarding whether the community land grant should be reconstituted and its lands restored.

(g) PROTECTION OF NON-FEDERAL PROPERTY.—The decision of the Commission regarding the validity of a petition submitted under subsection (a) shall not affect the ownership, title or rights of owners of any non-federal lands covered by the petition. Any recommendation of the Commission under subsection (f) regarding whether a community land grant should be reconstituted and its lands restored may not address affect or otherwise involve non-Federal lands. In the case of a valid petition covering lands held in non-Federal ownership, the Commission shall modify the recommendation under the subsection (f) to recommend the substitution of comparable Federal lands in the State of New Mexico for the lands held in non-Federal ownership.

SEC. 7. COMMUNITY LAND GRANT STUDY CENTER.

To assist the Commission in the performance of its activities under section 4, the commission shall establish a Community Land Grant Study Center at the Onate Center in Alcalde, New Mexico. The Commission shall be charged with the responsibility of directing the research, study, and investigations necessary for the Commission to perform its duties under this Act.

SEC. 8. MISCELLANEOUS POWERS OF COMMISSION.

(a) HEARINGS AND SESSIONS.—The Commission may, for the purpose of carrying out this Act, hold hearings, sit and act at times and places, take testimony, and receive evidence as the Commission considers appropriate, the Commission may administer oaths or affirmations to witnesses appearing before it.

(b) POWERS OF MEMBERS AND AGENTS.—Any member or agent of the Commission may, if authorized by the Commission, take any action which the Commission is authorized to take by this section.

(c) GIFTS, BEQUESTS, AND DEVISES.—The Commission may accept, use, and dispose of gifts, bequests, or devises of services or property, both real and personal, for the purpose of aiding or facilitating the work of the Commission so long as it is determined that the acceptance of such gifts, bequests or devises do not constitute a conflict of interest.

(d) MAILS.—The Commission may use the United States mails in the same manner and under the same conditions as the other departments and agencies of the United States.

(e) ADMINISTRATIVE SUPPORT SERVICES.—Upon the request of the Commission the Administrator of General Services shall provide to the Commission, on a reimbursable basis, the administrative support services necessary for the Commission to carry out its responsibilities under this Act.

(f) IMMUNITY.—The Commission is an agency of the United States for the purpose of part V of title 18, United States Code (relating to immunity of witnesses).

SEC. 9. REPORT.

As soon as practicable after reaching its last decision under section 6, the Commission shall submit to the President and the

Congress a report containing each decision, including the recommendation of the Commission regarding whether certain community land grants should be reconstituted, so that the Congress may act upon the recommendations.

SEC. 10. TERMINATION

The Commission shall terminate on 180 days after submitting its final report under section 9.

SEC. 11. AUTHORIZATION OF APPROPRIATIONS

There is authorized to be appropriated $1,000,000 for each of the fiscal years 1999 through 2007 for the purpose of carrying out the activities of the Commission and to establish and operate the Community Land Grant Study Center under section 7.

Mr. DOMENICI. Sr. Presidente, el proyecto de ley que estoy introduciendo hoy es el primer paso de progresión en corregir una injusticia del antiguo que ha manchado la conciencia de la historia de Nuevo Méjico. Es una injusticia que se remonta al tiempo en que Jefferson Davis, Daniel Webster, y Sam Houston andaban en los pasillos del Capitol como senadores.

En 1848, los Estados Unidos firmaron el Tratado de Guadalupe-Hidalgo con Méjico. Con este tratado, los Estados Unidos adquirieron el territorio que ahora es California, Nevada, Arizona, Nuevo Méjico, Colorado, y Wyoming. [El Tratado de Guadalupe-Hidalgo solucionó algunos problemas pero creó otros. No protegió adecuadamente los derechos civiles y de propiedad de la gente que vive en el territorio nuevamente anexado.]

Este proyecto de ley es un pedazo de legislación muy importante. Es la oportunidad de invertir la herencia de la mala voluntad entre la gente hispánica y el gobierno federal. Los descendientes hispánicos han estado esperando 150 años para inducir al gobierno federal para mirar con justticia las concesiones de la tierra.

Ratificamos un tratado con las provisiones de las garantías de los derechos de propiedad que, en retrospección, han resultado ser inadecuadas. John R. Van Ness describió el tratado como reparto enorme de las propiedades inmobiliarias, pero condujeron a los demandantes de la concesión de la tierra a creer que los derechos de propiedad serían honrados y protegidos. Algunos funcionarios con el gobierno federal, por otra parte, esperaban para obtener titulo claro a la mayoría de la pista que lo pagaba, sin importar el derecho de propiedad existente de los mejicanos.

Los demandantes de la concesión de la tierra han aguantado a oficiales hostiles del gobierno. En una punta, el Presidente Cleveland designó Guillermo Andrew Sparks como el agrimensor general para Nuevo Méjico. Sparks han sido descrito por los historiadores según lo ''empapado en prejudicar contra Nuevo Méjico, su gente, y los derechos de propiedad.'' Teníamos abogados corruptos y una confederación de los oportunistas que utilizaron batallas legales largas para adquirir los imperios de tierra que extendieron muchos millones acres—todos a expensas de los hispanos.

En 1891, el Agrimensor General fue substituido de la Corte de las Reclamaciones Privadas. La situación fue de malo a peor porque los procedimientos de la corte favorecieron fuertemente el gobierno. El resultado fue injusticia.

La Corte de Reclamaciones de Nuevo Méjico requirió que los demandantes prueben que el funcionario español o mejicano que concedió tenía la autoridad legal para publicar la concesión de la tierra. Por lo tanto, muchas concesiones de la tierra de Nuevo Méjico fueron llevadas a cabo sin ser legítimas. Consecuentemente, la Corte de Nuevo Méjico rechazó dos tercios de las reclamaciones presentadas. En última instancia, por una cuenta escrita por Richard Griswold del Castillo, solamente las concesiones del ochenta-y-dos recibieron la confirmación del Congreso. Esto representó solamente seis por ciento del área total buscados de los demandantes. La Corte de las Reclamaciones Privadas de la Tierra agrandó el dominio nacional del gobierno federal a expensas de los centenares de aldeas hispánicas, dejando una herencia amarga.

Esta proyecto de ley se basa en la legislación aprobada recientemente por Congressman BILL REDMOND. Éste es un pedazo de legislación importante, y aplaudo Congressman REDMOND. Él vino a Washington, identificó rápidamente uno de los conflictos más importantes y de muchos años que sus componentes han tenido con el gobierno federal, y él tomó una acción decisiva—él aprobó una cuenta importante para comenzar el proceso de juzgar estas reclamaciones.

Algunos miembros se jubilaron de 20- y 30 años y nunca alcanzan el paso de legislación importante, pero, Congressman REDMOND consiguió la aprobación de esta cuenta en la Casa de Representantes en su primer término.

La cuenta de Congressman REDMOND crea a una Comisión Presidencial para juzgar las concesiones de la tierra de la comunidad situadas en Nuevo Méjico. Se diseña para beneficiar a descendientes de los ciudadanos mejicanos que colocaron en Nuevo Méjico antes del Tratado de Gudelupe-Hidalgo. El propósito de la legislación es para determinarse qué concesiones de la tierra de la comunidad se podrían reconstituir de la tierra tenida actualmente por el gobierno federal. La legislación finalmente pone el espíritu del Tratado de Guadalupe-Hidalgo.

Dije a Congressman REDMOND que patrocinaría su proyecto en el Senado, y estoy introduciendo hoy el proyecto del compañero. Estoy orgulloso hacer tan.

He hecho muy pocos cambios y solamente un par de adiciones en la versión de este proyecto que estoy introduciendo hoy.

Los cambios se basan en las lecciones que he aprendido de hablar con los herederos de algunas de las concesiones de la tierra; de repasar la historia; y de hablar con los eruditos, historiadores, y los abogados de la concesión de la tierra.

Deseo agradecer a Roberto Mondragón, Max Córdova, Estevan Arellano, Joyce Guerin, Georgia Roybal, Juan Sanchez, Pedro Gutierrez Jr., y Roberto Torrez por su ayuda inestimable.

También he pedido los caudillos de los Indios para repasar el bosquejo, y mientras que yo todavía no he recibido sus comentarios, quisiera que supieran que creo que sus asuntos son muy importantes, y miro adelante a trabajar con ellos.

Primero, me parecía que el gobierno federal necesita tomar un papel afirmativo en la obtención de la documentación necesaria para probar la validez de las concesiones de la tierra de la comunidad. Desafortunadamente, muchos de los documentos de Nuevo Méjico fueron destruidos. Pero los eruditos me han dicho que los gobiernos mejicanos y españoles tienen archivos siempre mejorando. Esta proyecto requiere a la secretaria del estado negociar un acuerdo con Méjico y España para el acceso a los documentos. Se parece especialmente apropiado que en 1998, cuando Nuevo Méjico celebra su 400o aniversario del primer establecimiento hispánico que nuestro gobierno comenzaría a negociar los acuerdos necesarios para estos documentos criticos e históricamente significativos.

En la leyenda de las historias, me parecía que había mucha ambigüedad en el tratado, y aún más ambigüedad y discreción en los estatutos que establecían el agrimensor general y la corte de las reclamaciones privadas de la tierra.

Creo que la historia sostiene mi opinión que la ambigüedad trabaje al detrimento de los demandantes. Por lo tanto, propongo que antes de que la Comisión comience su trabajo sobre el juicio de reclamaciones específicas, primero se convierte reglas claras y sucintas por lo tanto cada uno sea tratado con justicia. Esta legislación requiere a la Comisión presidencial ser formada y después desarrollar un Código del Procedimiento de las Reclamaciones de la Tierra que sería repasado del Comité de la Energía para asegurarse de que todo es justicia.

Cuando los documentos sean disponibles y se han explicado las reglas, la Comisión serían listas para juzgar las reclamaciones de la tierra.

Tratar de hacer la justicia 150 años después del hecho es complicado. Esta legislación sostiene inofensivos a propietarios privados de tierra. Se cerciora de que las compañías de título y los prestamistas sean satisfechos que esta legislación no afectará al contrario la característica privada. Se cerciora de que nuestro Ingeniero del

Estado esté satisfecho con los criterios usados a encargar de las demandas de la tierra sin trastornar nuestro sistema de los derechos del agua. Creo que podemos todos convenir que no deseamos que el gobierno federal interfiera con nuestro sistema de los derechos del agua!

La legislación requere a la Comisión en su Código del Procedimiento de las Reclamaciones de la Tierra para tener una colección clara de reglas para lo que se pude hacer o no se puede hacer para los indios.

Estoy confiado que este proyecto qué tiene demasiado tiempo sin dar cuenta de la pérdida de la tierra y de la negación se resolverá sin crear nuevos problemas o injusticias.

Gracias, Sr. presidente.

By Mr. GRASSLEY (for himself, Mr. KYL, and Mr. HATCH):

S.J. Res. 56. A joint resolution expressing the sense of Congress in support of the existing Federal legal process for determining the safety and efficacy of drugs, including marijuana and other Schedule I drugs, for medicinal use; read the first time.

By Mr. KYL (for Mr. GRASSLEY (for himself, Mr. KYL, and Mr. HATCH):

S.J. Res. 57. A joint resolution expressing the sense of Congress in support of the existing Federal legal process for determining the safety and efficacy of drugs, including marijuana and other Schedule I drugs, for medicinal use; to the Committee on Labor and Human Resources.

EXPRESSING THE SENSE OF CONGRESS IN SUPPORT OF THE EXISTING FEDERAL LEGAL PROCESS FOR DETERMINING THE SAFETY AND EFFICACY OF DRUGS

Mr. GRASSLEY. Mr. President, I send to the desk a joint resolution. This joint resolution is being introduced with the distinguished Senator from Arizona, Senator KYL, who is now in the chair, to address a very important issue. It is not an easy one to grasp on its face. This is largely because of an effort by some to misrepresent the facts of the case. In offering this resolution and asking my colleagues to join me in supporting and passing it, I would like to make some things very clear.

What this resolution expresses is the sense of the Congress for supporting existing procedures for determining the safety and efficacy of drugs made available to the public.

Specifically, it puts the Congress and the administration on record opposing the legalization of dangerous drugs such as marijuana, heroin, and LSD.

As we consider this language, we are likely to hear from many of the drug legalization lobbies. They are going to try to misrepresent their true goals and the meaning of this resolution. We have already seen some of these tactics in the House earlier this week. They are going to tell you that this resolution opposes sick people. They are going to tell you that they only want to make medicine available to the desperately ill. They imply, of course, that the rest of us are opposed to helping the sick. But the agenda here is not about helping sick people; it's about drug legalization.

Let's look at who's lobbying against our resolution. Since this is supposed to be about medicine, who's lobbying Congress? It is not the American Medical Association. It is not the American Psychiatric Association. It is not the American Cancer Society, the Glaucoma Society, the American Pediatrics Association, or any professional association of treatment specialists and scientists. It is the Drug Policy Foundation which opposes it, and the Marijuana Policy Project, the magazine High Times, and the marijuana legalization lobby, NORML—the National Organization for the Reform of Marijuana Laws. All of these groups are drug legalization lobbies. And have been for years. None of these groups are medical associations or have any scientific expertise. What they rely on is anecdotes, scare tactics, and misinformation. Now, what is the agenda here? Is the goal medicine or legalization?

Their agenda and their goal is not medicine, but it is legalization of drugs.

Let me note who's supporting our resolution. It is the Nation's drug czar. It is Gen. Barry McCaffrey. It is national parent groups, like National Families in Action and Community Anti-Drug Coalitions of America. It is the Parents' Resource Institute for Drug Education, or PRIDE. It is supported by virtually every anti-legalization group across the country in every state in the Union. They know the answer to my question.

But, let's consider another point. How do we normally make a dangerous drug with a high potential for abuse available as a legitimate medicine? Normally we do so with scientific validation. We do so by prescription. We control the quantities, the quality, and the distribution. We do not permit self-diagnosis and treatment. We do not license private citizens to manufacture the drugs in their kitchens or bathrooms. But what is happening with the efforts to make marijuana and other Schedule I drugs legal?

In most states where this effort is afoot, there is no prescription requirement. There is no scientific validation required. There are no controls and no supervision. People are authorized to grow marijuana, for example, at home. They are authorized to self administer it in any dose for any length of time for any ailment they think necessary. This does not mean for the terminally ill or those with desperate conditions. It means for any condition, from migraines to athlete's foot. Is this the way we treat Valium or anti-depressants? Is this the way we treat heart medicine or blood pressure medicine? Is this about medicine or about legalization? The answer is all too clear.

Our resolution addresses the effort by the drug legalization lobby in this country to get marijuana and other dangerous drugs on the streets, in our homes, and in our schools. These groups have been trying to do this for years. Sadly, they have been somewhat successful.

They have failed because the public won't have anything to do with legalization. The public overwhelmingly opposes efforts to legalize. Knowing this, the legalization lobby has hit upon a subterfuge to slip legalization through by calling it a medicine. It is a cynical and deceptive campaign.

What is being done here by these groups is to manipulate the public's concerns for the desperately ill. In efforts across the country, well-funded lobbying groups are promoting initiatives to declare marijuana and other dangerous drugs medicine. They are exploiting compassion to push their drug agenda. This effort is as fully sincere as anything we saw from the tobacco companies in their efforts to sell cigarettes.

What our resolution does is to put the Congress and the administration on record opposing this effort. We are taking this step to protect the present and future generations of young people from illegal drugs. The resolution passed the other body on Tuesday 310 to 93. I ask unanimous consent to have printed in the RECORD a letter from General McCaffrey, the Nation's drug czar, to me. He endorses this resolution. The administration supports it.

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

EXECUTIVE OFFICE OF THE PRESIDENT, OFFICE OF NATIONAL DRUG CONTROL POLICY,

Washington, DC, September 9, 1998.

Hon. CHARLES GRASSLEY,
U.S. Senate,
Washington, DC

DEAR SENATOR GRASSLEY: Thank you for the opportunity to review your proposed Joint Resolution regarding the medicinal use of marijuana. The Office of National Drug Control Policy applauds your continuing contribution to the nation's drug policy. We at ONDCP offer our support for this important resolution and urge the Senate to send a clear signal to those who advocate for legalization of marijuana when the resolution comes to the Floor for a vote.

State ballot initiatives that define marijuana as a ''medicine'' fail to address the negative impact such legislation would have on the health of our youth or the nation's scientific process of approving medications. Designating medicine through ballot initiatives would undermine the long-established process which ensures that substances provided to the American public as medicines have undergone rigorous scientific scrutiny. This procedure protects Americans from unproven, ineffective, or dangerous treatments. Making an exception for marijuana would create a dangerous precedent. Medicine must be based on science rather than ideology.

Proponents of marijuana initiatives present marijuana as a benign substances. However, the latest scientific evidence demonstrates that marijuana is not. Smoked marijuana damages the brain, heart, lungs,

amd immune system. It impairs learning and interferes with memory, preception and judgment. Smoked marijuana contains cancer-causing components and has been implicated in a high percentage of automobile crashes and workplace accidents.

As your resolution points out, marijuana is also associated with behavior leading to more extensive drug use. Legalization of marijuana as medicine sends a confusing message to America's children at a time when drug use by young people has increased at an alarming rate. The increase in youth marijuana use has been fueled by a measurable decrease in the proportion of young people who perceive marijuana as dangerous.

Some Americans are unclear about what the scientific research shows about the effects of marijuana. To clarify this issue, ONDCP has commissioned a comprehensive study by the National Academy of Science's Institute of Medicine. It is crucial that America tell the truth to our children about the dangers of drug use. Toward that end, we congratulate you and the other sponsors of this Joint Resolution.

Respectfully,

BARRY R. MCCAFFREY,
Director.

Mr. GRASSLEY. Mr. President, drug use among kids is growing dramatically. In the last few years, after a decade of decline, drug use is on the rise among 12- to 17-year-olds. The age for first use of illegal drugs has dropped. Today, the first-use of marijuana by 12- to 17-year-olds is the highest since we've been keeping records. The same is true for cocaine, heroin, and hallucinogens. We need to be talking seriously about how to stop this. This is why we ask our colleagues to support our resolution.

I send that resolution to the desk. I send it to the desk and ask that it be read for the first time.

The PRESIDING OFFICER. The clerk will report.

A joint resolution (S.J. Res. 56) expressing the sense of Congress in support of the existing Federal legal process for determining the safety and efficacy of drugs, including marijuana and other Schedule I drugs, for medicinal use.

Mr. GRASSLEY. I now ask for its second reading, and I object to my own request.

The PRESIDING OFFICER. Objection is heard.

Mr. KYL. Mr. President, I rise today with my colleagues, Senator GRASSLEY and Senator HATCH, to introduce this joint resolution, which passed the House of Representatives last Tuesday by a vote of 310–93.

It has been endorsed by the administration's drug czar, Gen. Barry McCaffrey, and is part of our legislative response to the recent and significant increases in drug use, especially among our young people. It is this subject to which Senator GRASSLEY spoke earlier this afternoon.

Before I explain what this resolution is about, let me explain how it came about. In March of this year, Senator GRASSLEY and I convened an antidrug legalization roundtable. Attendees included Bill Bennett, Senator MACK, and 21 other people representing the Drug Czar's Office, civic groups, family groups and law enforcement officials. At that meeting, we learned about efforts all across the country to legalize drugs, including marijuana and other Schedule I drugs. Schedule I drugs include things not only like marijuana but LSD and heroin.

The groups asked why Congress, which, after all, enacts Federal drug laws, and the administration, which enforces Federal drug laws, have been relatively silent in the face of these ever bolder attempts to legalize drugs around the country. They urged us to step up to the plate and exert some leadership. They were correct in that request.

This joint resolution is but one step in the effort to demonstrate to our youth that the U.S. Congress strongly opposes drug abuse and efforts to legalize drugs. This resolution, I believe, will help send a very clear message that so long as marijuana, heroin, LSD, and others remain Schedule I drugs under the Controlled Substances Act, that Federal law should not be altered through adoption of statewide ballot propositions that would legalize these drugs.

Consider these statistics relating to drug use, especially among children: Marijuana use has more than doubled nationally since 1991. Heroin usage for 8th and 12th graders has more than doubled in the last 5 years. A 1997 survey by the Center on Addiction and Substance Abuse at Columbia University showed that 500,000 8th graders began using marijuana in the 6th and 7th grades. Even more alarming are the statistics in my own State of Arizona, where one out of six youths has used illegal drugs within the past month. This is one-third higher than the national average. Over 13 percent of Arizona children between the ages of 12 and 17 said they have used marijuana in the past month. Almost 17 percent admitted to having used any illicit drug, including cocaine, heroin, or inhalants, according to the National Household Survey on Drug Abuse.

Attempts to legalize drugs by way of State ballot initiatives inhibits us from getting drugs out of our schools, out of our workplaces, and out of our communities.

How can we expect our children to resist the lure of drugs if harmful drugs like marijuana are legalized under the guise of medicinal use, even though the FDA has not approved those drugs for medicinal use? How can we expect to have safe, drug-free workplaces if employees can smoke marijuana on the job, claiming it is medicine? How can we expect to have successful drug treatment programs if someone can light up a joint during a joint discussion, claiming marijuana is, after all, medicine?

In my own State of Arizona, the voters passed a ballot initiative, Proposition 200, in 1996 which legalized all Schedule I drugs for medicinal purposes. These would include marijuana, heroin, LSD, and all of the other Schedule I drugs. This year, there is another proposition which, if passed, will require the FDA to approve the efficacy of Schedule I drugs before they could be prescribed. That, of course, would be consistent with Federal law. I have been in strong support of that proposition.

Over $1.5 million was spent in Arizona by the prolegalization forces in the last election, the most prominent of whom were not from Arizona. Arizona is not the only State that is now a target of drug legalization. Other States that currently have pending legalization initiatives or legislation are Alaska, Arkansas, California, Colorado, the District of Columbia, Massachusetts, Nevada, Oregon, Rhode Island, New York, and Washington.

This joint resolution that we have introduced puts Congress and the administration firmly behind the existing Federal legal process for determining the safety and efficacy of drugs, including marijuana and all other Schedule I drugs for medicinal use.

Under current law, marijuana, heroin, LSD, and more than a hundred other drugs are classified as Schedule I because they have a high potential for abuse and lack any current accepted medical use.

Federal law [Controlled Substances Act] prohibits Schedule I drugs from being manufactured, distributed, or dispensed. This resolution re-affirms the law. It says that before any drug can be approved as a medication, it must meet extensive scientific and medical standards established by the FDA to ensure it is safe and effective. Marijuana and other Schedule I drugs have not been approved by the FDA to treat any disease or condition, though studies are being conducted to determine if there is any potentially appropriate treatment using marijuana. Attempts to legalize drugs fly in the face of established procedures for approving the safety and efficacy of drugs. Most important, legalization sends the wrong message to youth about the health and safety risks of using drugs.

I have joined with Senator GRASSLEY, Senator HATCH, and my colleagues in the House, Representative MCCOLLUM and Representative COX in introducing this resolution because I believe we must reassert leadership in this area.

I am particularly pleased that the administration supports this resolution, and I would just like to take a moment to single out General McCaffrey for the good work that he has done in improving the nation's drug-control policy.

I would urge my colleagues to pass this important piece of legislation and send it to the President for his prompt signature.

Mr. GRASSLEY. Mr. President, I request that the Senator from Arizona and I might enter into a colloquy on the question of our resolution.

Do I understand correctly that the effort in Arizona would not only legalize marijuana it would also make

available as a so-called medicine heroin, LSD, and over 100 other dangerous drugs?

Mr. KYL. That is correct.

Mr. GRASSLEY. It is the Senator's understanding that there is no recognized medical use for heroin or LSD?

Mr. KYL. To my knowledge, neither of these drugs, which would be made legal in Arizona for medical use, have any recognized medical utility. In addition, both of these substances are illegal to prescribe as medicine under federal law and no doctor is authorized to prescribe them as a treatment.

Mr. GRASSLEY. Am I correct in believing that it is also illegal to prescribe marijuana, as a Schedule I drug, under Federal Law?

Mr. KYL. That is correct. Under the Controlled Substances Act, which governs how we deal with all drugs in this country, no Schedule I drug may be prescribed as a medicine. Schedule I drugs are placed in this category because they have no recognized medical use and have a high potential for abuse. These drugs are illegal because they are dangerous, they are not dangerous because they are illegal.

Mr. GRASSLEY. It is my understanding that we have the Federal Food, Drug, and Cosmetic Act, the Controlled Substances Act, and other laws governing the manufacture and sale of drugs in order to ensure they are safe and effective for public use.

Mr. KYL. That is correct. Many of these laws are on the books because at one time anybody could market any product to the public and call it a drug. Those were the days of snake oil salesmen who made the wildest claims for their products. They, of course, called their products ''medicine'' and sold them as cure-alls for every possible ailment. In many cases, in the early years of this century, those products contained large quantities of alcohol, opiates or cocaine. As a result, this country experienced a major drug epidemic centered largely on women and children who mostly used these products. None of the products were subject to regulation, they did not treat any diseases, there were no cures, but they did create a lot of addicts. Later, in response to this situation, Congress passed laws regulating these products to ensure that the public was not the victim of bad medicine, false claims, and snake oil.

Mr. GRASSLEY. The purpose of those laws was to ensure that we didn't declare anything a medicine until it had been scientifically evaluated, clinically tested, and proven effective, is that right?

Mr. KYL. Yes. Sometimes the time it takes to do this is frustrating, but the purpose is to ensure that we provide safe and effective medicine to the public.

Mr. GRASSLEY. As part of that process, when a medicine is found to work but is also found to be dangerous or subject to abuse, how is that normally dealt with?

Mr. KYL. Apart from over-the-counter medicines, we regulate access to drugs. This is what prescriptions are for. For dangerous drugs with a potential for abuse, we license their use and only permit people to use them based on a physician's prescription and under the continuing care of a doctor.

Mr. GRASSLEY. In many of the efforts we currently see to declare marijuana a medicine, I believe there is no requirement for a doctor's prescription?

Mr. KYL. The Senator is correct. In most of these efforts, what is called for is a doctor's recommendation. Frankly, that could mean anything.

Mr. GRASSLEY. That's certainly an unusual practice but if I understand many of these efforts, not only is no prescription required but users are authorized to grow marijuana at home for their own use.

Mr. KYL. The language differs in the various states, but that's essentially correct.

Mr. GRASSLEY. I believe that it is the case in some states or here in the nation's capital, a so-called care giver or up to three or four different care givers are authorized to grow marijuana at home and give it out. Let me see if I understand just what that means. If, for example, I was taking insulin to control diabetes, the parallel would be for me to be authorized to make it at home or to have three or four of my friends make it and give it to me when I wanted it.

Mr. KYL. That's about it.

Mr. GRASSLEY. So, there would be none of the normal controls or quality checks or physician-supervised treatments that we expect when we talk about medicine, especially medicine for the very ill?

Mr. KYL. That's right. But there is another big difference. These efforts do more than authorize that practice you describe. They place no limits on who would be eligible to receive these ''treatments'' and they do not limit the ''illnesses'' for which you may take the drug.

Mr. GRASSLEY. So, this drug can be used for anything anyone feels the need, they do not have to have a terminal illness or any serious disease?

Mr. KYL. That's just one more thing about these efforts that demonstrate what is really behind them. The real motive here is to legalize these drugs, not to make medicine available.

Mr. GRASSLEY. I agree with the Senator. If this effort succeeds, it looks to me like it could have a major effect in sending signals to young people about drug use.

Mr. KYL. The Senator is correct. We are already seeing the highest rates of first-time use of marijuana among teens and pre-teens in over 30 years. We are on the verge of a major, new drug epidemic. I do not think this is the time to be sending the kind of mixed message we see in these efforts to legalize marijuana or other Schedule I drugs.

Mr. GRASSLEY. I am working in my state to develop a statewide anti-drug coalition. In doing this, I have seen personally what is happening all across my state because of growing illegal drug use. This doesn't just affect kids, although they are the most vulnerable for use. Drug use affects whole families and communities. I agree that we must speak out against efforts to make our drug problem worse than it already is. We need to blow the whistle on these efforts to legalize by indirect means. I want to thank my distinguished colleague for taking the time to help me think through these issues.

Mr. KYL. I would like to thank the Senator for his efforts and I look forward to working with our colleagues to pass this resolution.

Mr. GRASSLEY. I would also like to thank the Senator for all his efforts on this.

ADDITIONAL COSPONSORS

S. 361

At the request of Mr. JEFFORDS, the name of the Senator from Virginia (Mr. ROBB) was added as a cosponsor of S. 361, a bill to amend the Endangered Species Act of 1973 to prohibit the sale, import, and export of products labeled as containing endangered species, and for other purposes.

S. 2017

At the request of Mr. D'AMATO, the name of the Senator from Maryland (Mr. SARBANES) was added as a cosponsor of S. 2017, a bill to amend title XIX of the Social Security Act to provide medical assistance for breast and cervical cancer-related treatment services to certain women screened and found to have breast or cervical cancer under a Federally funded screening program.

S. 2180

At the request of Mr. LOTT, the names of the Senator from Montana (Mr. BAUCUS), and the Senator from New York (Mr. MOYNIHAN) were added as cosponsors of S. 2180, a bill to amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 to clarify liability under that Act for certain recycling transactions.

S. 2190

At the request of Mr. KENNEDY, the names of the Senator from South Dakota (Mr. JOHNSON), and the Senator from North Dakota (Mr. DORGAN) were added as cosponsors of S. 2190, a bill to authorize qualified organizations to provide technical assistance and capacity building services to microenterprise development organizations and programs and to disadvantaged entrepreneurs using funds from the Community Development Financial Institutions Fund, and for other purposes.

S. 2339

At the request of Mr. GRASSLEY, the name of the Senator from Ohio (Mr. DEWINE) was added as a cosponsor of S. 2339, a bill to provide for pension reform, and for other purposes.

S. 2433

At the request of Mr. D'AMATO, the names of the Senator from Nevada (Mr. REID) and the Senator from Colorado (Mr. ALLARD) were added as cosponsors of S. 2433, a bill to protect consumers and financial institutions by preventing personal financial information from being obtained from financial institutions under false pretenses.

SENATE RESOLUTION 260

At the request of Mr. GRAHAM, the names of the Senator from Iowa (Mr. GRASSLEY), the Senator from New York (Mr. D'AMATO), the Senator from Oregon (Mr. SMITH), the Senator from Virginia (Mr. WARNER), the Senator from Hawaii (Mr. INOUYE), and the Senator from Delaware (Mr. ROTH) were added as cosponsors of Senate Resolution 260, A resolution expressing the sense of the Senate that October 11, 1998, should be designated as ''National Children's Day.''

SENATE RESOLUTION 278

At the request of Mr. BINGAMAN, the names of the Senator from Washington (Mrs. MURRAY), and the Senator from California (Mrs. FEINSTEIN) were added as cosponsors of Senate Resolution 278, a resolution designating the 30th day of April of 1999, as ''Dia de los Ninos: Celebrating Young Americans,'' and for other purposes.

AMENDMENTS SUBMITTED

CHILD CUSTODY PROTECTION ACT

TORRICELLI AMENDMENT NO. 3603

(Ordered to lie on the table.)

Mr. TORRICELLI submitted an amendment intended to be proposed by him to the bill (S. 1645) to amend title 18, United States Code, to prohibit taking minors across State lines to avoid laws requiring the involvement of parents in abortion decisions; as follows:

At the appropriate place, insert the following:

SEC. . PROHIBITED INTERSTATE FIREARMS TRANSFERS.

Section 922(a)(3) of title 18, United States Code, is amended—

(1) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively;

(2) by striking ''or licensed collector to transport'' and inserting the following: ''or licensed collector—

''(A) to transport'';

(3) by striking ''this paragraph'' and inserting ''this subparagraph'';

(4) by adding ''and'' after the semicolon at the end; and

(5) by adding at the end the following:

''(B) to—

''(i) travel across a State line for the purpose of inducing any other person to transfer a firearm in violation of any applicable Federal or State law; and

''(ii) thereby obtain a firearm in violation of any applicable Federal or State law;''.

HARKIN AMENDMENT NO. 3604

(Ordered to lie on the table.)

Mr. HARKIN submitted an amendment intended to be proposed by him to the bill, S. 1645, supra; as follows:

On page 5, strike line 17, and insert the following: ''apply if—

''(A) the pregnancy was the result of rape by a parent or incest between the minor and a parent; or

''(B) the abortion was necessary to save the life of

LEAHY AMENDMENT NO. 3605

(Ordered to lie on the table.)

Mr. LEAHY submitted an amendment intended to be proposed by him to the bill, S. 1645, supra; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Child Custody Protection Act''.

SEC. 2. FORCEFUL TRANSPORTATION OF MINORS TO AVOID CERTAIN LAWS RELATING TO ABORTION.

(a) IN GENERAL.—Title 18, United States Code, is amended by inserting after chapter 117 the following:

''CHAPTER 117A—FORCEFUL TRANSPORTATION OF MINORS TO AVOID CERTAIN LAWS RELATING TO ABORTION.

''§ 2341. Forceful transportation of minors to avoid certain laws relating to abortion

''(a) OFFENSES.—Whoever knowingly uses force or threats of force to transport an individual who has not attained the age of 18 years across a State line, with the intent to avoid, evade, prevent, or obstruct compliance with the requirements of a law requiring parental involvement in a minor's abortion decision, in the State where the minor resides, if in fact as a result the individual obtains the abortion, shall be fined under this title, imprisoned not more than 10 years, or both.

''(b) RESTITUTION.—In addition to any other penalty authorized by law, including consideration of an order of restitution to the victim of the offense pursuant to section 3664 of this title, the court, when sentencing a defendant convicted of an offense under subsection (a), may order that the defendant make restitution to the parent or guardian of the indivdual who obtained the abortion as a result of the offense. An order of restitution under this subsection shall be based upon—

''(1) the amount of damages resulting from or attributable to the offense;

''(2) the cost of necessary medical and related professional service; and

''(3) any lost income or other expenses related to participation in the investigation or prosecution of the offense or attendance at proceedings related to the offense.

''(c) DEFINITIONS.—In this section—

''(1) the term 'law requiring parental involvement in a minor's abortion decision' is a law that requires, before an abortion is performed on a minor, the notification to, or consent of, any person or entity other than the minor, including the parent or guardian of the minor, or a judicial officer, and that—

''(A) is not enjoined or otherwise held invalid by a court of competent jurisdiction; or

''(B) the enforcement authorities of the State where the individual who obtains the abortion resides have not declined to enforce;

''(2) the term 'minor' means an individual who is not older than the maximum age requiring parental notification or consent, or proceedings in a State court, under the law requiring parental involvement in a minor's abortion decision; and

''(3) the term 'State' includes the District of Columbia and any commonwealth, possession, or other territory of the United States.''.

''(b) CLERICAL AMENDMENT.—The table of chapters for part I of title 18, United States Code, is amended by inserting after the item relating to chapter 117 the following:

''117A. Forceful transportation of minors to avoid certain laws relating to abortion ..... 2431''.

SEC. 3. ASSISTANCE TO THE STATES TO ENFORCE PARENTAL INVOLVEMENT LAWS.

Part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3750 et seq.) is amended by inserting after subpart 3 the following:

''Subpart 4—Grants to States To Assist Enforcement of Parental Involvement Laws

''SEC. 520A. PURPOSE.

''The purpose of this subpart is to supplement the provisions of subparts 1 and 2, in order to assist eligible States in enforcing State laws requiring parental involvement in a minor's abortion decision, and related procedures, including judicial bypass procedures.

''SEC. 520B. DEFINITIONS.

''In this subpart—

''(1) the term 'Director' means the Director of the Bureau of Justice Assistance of the Department of Justice;

''(2) the term 'eligible State' means a State that has enacted a law requiring parental involvement in a minor's abortion decision; and

''(3) the term 'law requiring parental involvement in a minor's abortion decision' has the meaning given that term in section 2431(c) of title 18, United States Code.

''SEC. 520C. GRANTS.

''(a) IN GENERAL.—The Director shall make grants to eligible States in accordance with this section.

''(b) APPLICATIONS.—In order for an eligible State to receive a grant under this subpart for a fiscal year, the chief executive of the eligible State shall submit to the Director an application, which shall include—

''(1) a statement that the applicant is the chief executive, or a designee of the chief executive, of a State that is an eligible State;

''(2) an assurance that Federal funds received under this subpart will be used to supplement, and not supplant, non-Federal funds that would otherwise be available for activities funded with amounts made available to the eligible State under this subpart;

''(3) a statement that amounts received by the eligible State under this subpart will be devoted entirely to enforcing the law requiring parental consent in a minor's abortion decision of the eligible State, and related procedures, including judicial bypass procedures; and

''(4) a description of the budget of the eligible State for the activities to be funded with amounts made available under this subpart for the fiscal year for which the grant is sought.

''(c) GRANT AMOUNT.—Of the total amount made available to carry out this subpart in each fiscal year, the Director shall allocate to each eligible State that meets the requirements of this section an amount equal to the pro rata share of that eligible State, based on the percentage of the population of the eligible State that is less than 18 years of age, based on the most recent calendar year for which such data is available.

''(d) RENEWAL OF GRANTS.—Subject to the availability of appropriations, a grant to an eligible State for a fiscal year under this subpart may be renewed for not more than 2 additional fiscal years, if the Director determines that the amount made available to the eligible State under this subpart for the preceding fiscal year was used in accordance with the application submitted by the eligible State under subsection (b).

"SEC. 520D. AUTHORIZATION OF APPROPRIATIONS.

''There is authorized to be appropriated to carry out this subpart $5,000,000 for each fiscal years 1999, 2000, and 2001.''.

Amend the title to read as follows: ''A bill to prohibit the forceful taking of minors across State lines to avoid laws requiring the involvement of parents in abortion decisions, and to assist States in enforcing parental involvement laws.''.

FEINSTEIN AMENDMENT NO. 3606

(Ordered to lie on the table.)

Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill, S. 1645, supra; as follows:

On page 5, strike line 17, and insert the following: ''apply—

''(A) to any individual who is an adult member of the family of the minor who obtained the abortion, as the term 'adult' is defined for purposes of the State law requiring parental involvement in a minor's abortion decision; or

''(B) if the abortion was necessary to save the life of * * *.

BOXER AMENDMENT NO. 3607

(Ordered to lie on the table.)

Mrs. BOXER submitted an amendment intended to be proposed by her to the bill, S. 1645, supra; as follows:

On page 6, between lines 2 and 3, insert the following:

''(3) No prosecution shall be commenced or continued under subsection (a) if a parent of the individual upon whom the abortion is performed consents to the abortion after the abortion is performed.

KENNEDY AMENDMENT NO. 3608

(Ordered to lie on the table.)

Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill, S. 1645, supra; as follows:

On page 6, strike line 17, and insert the following:

''(e) DIFFERENCE TO STATE AUTHORITIES.—

''(1) IN GENERAL.—No prosecution of any offense described in subsection (a) shall be commenced by the United States except upon the written notification of the Attorney General to the Federal prosecutor certifying that—

''(A) the appropriate court of the State does not have jurisdiction or refuses to assume jurisdiction with respect to the acts allegedly committed in violation of subsection (a); and

''(B) it is in the public interest and necessary to secure substantial justice for the United States to commence the prosecution.

''(2) SURRENDER TO STATE AUTHORITIES.—If the Attorney General does not make the certifications described in paragraph (1), the defendant shall be surrendered to the appropriate legal authorities of the State.

''(f) DEFINITIONS.—For purposes of this section—

KENNEDY AMENDMENT NO. 3609

(Ordered to lie on the table.)

Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill, S. 1645, supra; as follows:

On page 5, strike lines 16 and 17, and insert the following:

''(2) The prohibition of subsection (a) does not apply if—

''(A) the law requiring parental involvement in a minor's abortion decision in the State where the individual who obtains the abortion resides has been enjoined or held unconstitutional by a court of competent jurisdiction;

''(B) the enforcement authorities of the State where the individual who obtains the abortion resides have declined to enforce the law described in paragraph (1); or

''(C) the abortion was necessary to save the life of

ADDITIONAL STATEMENTS

SALUTE TO DOW STEREO/VIDEO

● Mr. BURNS. Mr. President, I take this opportunity to salute DOW Stereo/Video of San Diego, and its Director, Tom Campbell, for successfully introducing HDTV to the consuming public. As co-chair of the Internet Caucus I am particularly pleased with this accomplishment, given Mr. Campbell's hard work as a member of the Advisory Board to the Caucus.

Following years of development, which has enjoyed substantial support from Congress, HDTV is now a reality. The technology for the first commercial units was largely developed by Panasonic/USA in the San Diego area. It once again proves what can happen when American ingenuity and talent are combined with commitment and perserverance.

DOW Stero/Video, through its leadership in Michael Romagnolo, President/CEO, and Tom Campbell, has been on the cutting edge of introducing new technologies to the American public for over 20 years. They were first in introducing WEB TV, digital video disc player (DVD), personal communications systems (PCS), consumer digital camcorder (DVC), and the first interactive multimedia system for automobiles featuring GPS navigation. Various industry awards and recognition has clearly earned DOW the title of ''industry launch pad for the consumer electronic industry''.

I ask my colleagues to join me today in congratulating Tom Campbell and DOW Stereo/Video. The American consumer will continue to benefit from their ongoing efforts.●

TRIBUTE TO DR. GEORGE VERNON IRONS, SR.

● Mr. SHELBY. Mr. President, I rise today to eulogize and celebrate the life of one of Alabama's great native sons—Dr. George Vernon Irons, Sr., who passed away July 21, 1998.

Dr. Irons was Distinguished Professor of History and Political Science Emeritus at Samford University, having served the University for 43 years. During that time, he taught a record number of University Presidents, 17.

Dr. Irons was the oldest member of the Alabama Sports Hall of Fame and one of Alabama's athletic greats—-the only Alabama track and distance star inducted into the Alabama Sports Hall of Fame from the University of Alabama. Mr. President, only three men have been inducted into the Alabama Sports Hall of Fame on the first ballot: Ralph Shug Jordan, Paul ''Bear'' Bryant, and Dr. George Irons.

Dr. Irons is survived by his wife, Velma Wright Irons, a distinguished educator and nominee for the Alabama Women's Hall of Fame at Judson College; two sons: Dr. George Vernon Irons, Jr., a cardiologist in Charlotte, North Carolina; and William Lee Irons, a prominent Birmingham attorney. Dr. Irons and his son William are the only father and son to be selected for the 1998 Who's Who in America from Alabama.

Mr. President, Dr. George Vernon Irons Sr., gave tirelessly of himself to God and country. He was a man of great distinction, and I take great pride in offering this tribute on his behalf.

Mr. President, the following tribute, edited to meet CONGRESSIONAL RECORD length requirements, was written by Dr. Irons' son. It provides a comprehensive and detailed account of Dr. Irons' life and many accomplishments.

Mr. President, I ask unanimous consent that the tribute written by Dr. Irons' son William be printed in the RECORD.

The tribute follows:

TRIBUTE TO DR. GEORGE VERNON IRONS, SR.

(By William L. Irons)

Dr. George Vernon Irons, Sr., arrived at Birmingham's Howard College (now Samford University) in 1931. At that time, the school was experiencing serious financial difficulty, owing more than $400,000. Dr. Irons' first assignment for the troubled school began when University President Neal called him in and explained that the school had been noticed for foreclosure. ''Your job, Irons, is to go to the banker and stop this foreclosure,'' President Neal directed.

Dr. Irons persuaded the banker, after much deliberation, to grant the university a two-year extension. The rest is history. Today, Samford University is the largest privately endowed Baptist school in the world, and is the only Baptist institution in America with an inspiring domed school of divinity.

As a result of Dr. Irons' key role in assisting Howard College to grow into an internationally acclaimed university, he was elected by the Samford University faculty to serve as Grand Marshall of all academic, graduation and commencement exercises. Leading the academic processional for 15 years. In 1976, he was recognized by Samford University Faculty Resolution for ''his impeccable character and qualities of modesty, humility, kindness, and selfless service to the University.''

While the final years of service often ebb, this was not the case for Dr. Irons. In the last few months of his life, at nearly 96 years of age, Dr. Irons secured a $100,000 scholarship contribution to Samford University as a perpetual memorial to his academic excellence as Distinguished Professor for 43 years.

In addition to his tireless efforts on behalf of Samford University, Dr. Irons is known as a sports legend. In the early 1920's, George Irons kept the athletic flame burning at the University of Alabama as its ''Knight of the Cinderpath.''

As a Junior in 1922, Irons won the prestigious A.A.U. Road Race in Atlanta. That same year, Irons broke the A.A.U. record,

running four miles in 17-minutes and 24-seconds—-an average of four, four-minute 21-second miles in succession. The four minute mile record would not be broken until 30-years later.

Irons then won the All Southern S.I.A.A. Road Race in Birmingham—a grueling three mile event over solid pavement. In a hard, driving rain, he broke the record by more than 20 seconds. This record has never been equaled nor broken.

For his prowess on the track field, Irons ran himself into the Alabama record books, including his addition to the Alabama Sports Hall of Fame in 1978 on the first ballot—the only track and distance runner ever inducted into the Hall of Fame.

While at the University of Alabama, Dr. Irons was a Phi Beta Kappa honors student, and the University's nominee for the Rhodes Scholarship in 1924. From there, he went on to Duke University where he earned his doctorate degree in history.

To his friends, Dr. Irons was the quintessential American. With large inviting hands, captivating smile and charming gentleman's demeanor, he radiated a generous spirit accessible to everyone. Witty and charming, he always made the other person ''look good,'' even if to his own detriment. Eager to listen, never critical or negative, he could penetrate the soul of another and give an inspiring uplifting word of encouragement or silently go about doing good. A generous heart who cared deeply and passionately about the loves of his life and consecrated his energies to them. A braveheart of Scottish ancestry, he had the heart of a lion when his interests were challenged.

A consummate gentleman with the ''can do'' American spirit on any endeavor—interested in what you were doing and how he could help accomplish your objectives. With foresight he encouraged female colleagues to pursue their professional goals long before it was a popular undertaking.

He was a genteel man ever sensitive to another's hurt. He went about assisting without being asked. Dr. Irons had an unlimited capacity to give his endless energies to any task. His crisp walks across the Samford campus at near running gait were legendary among his students and the faculty. He had a great fighting heart for his beliefs and often referred to his middle initial ''V'' as ''V for victory.'' Dr. Irons had an elegance rarely seen rivaling the beauty and grace of a swan, yet strong with the swift power of a lion if called upon.

Loyal and faithful, easy to greet, he was at ease before a large convocation audience or content to enjoy cherished time of solitude.

In addition to his other accomplishments, Dr. Irons, who was also Colonel Irons, proudly defended the United States in war and in peace for over one-third of the 20th Century. Dr. Irons, who achieved the rank of Lt. Col., served in the Anti-Aircraft Artillery branch of the U.S. Army and reserves.

Devoted to God, Dr. Irons gave selfless service to his Church as deacon, Sunday school teacher, and Chairman of the Board of Deacons. He was elected as lifetime Deacon, Southside Baptist Church. His life reflects his depth of devotion in word, deed and thought. Dr. Irons was an icon of virtue and a legendary role model for Samford students for almost a century.

Dr. Irons' life was one of sacrificial service. From his service to our nation, to his work on behalf of Samford University students and faculty, Dr. Irons was a figure of character, devotion to cause, and exemplary standards of honor, duty and integrity. His life is an inspiration to all.

Funeral services for Dr. Irons were conducted at Mountain Brook Baptist Church Chapel on July 27, 1998 by Dr. Irons' former student, Dr. James D. Moebes, Senior Minister.●

RECOGNITION OF ACHIEVEMENTS OF SAM HOWARD

●Mr. FRIST. Mr. President, I rise to recognize the achievement of Mr. Sam Howard, Chief Executive Officer of Phoenix Healthcare Corporation, who was recently selected to serve as Chairman of the Nashville Chamber of Commerce. Aside from the general prestige which accompanies attaining such an honor, Mr. Howard bears the distinction of being the first African American to hold this position. His talent and skills will certainly benefit the city of Nashville.

As the first African American to hold this position, Mr. Howard has a unique opportunity to encourage minority membership within the Chamber of Commerce and to promote minority entrepreneurs. The Urban Journal's July 1, 1998 edition highlighted Mr. Howard's top goals, including the development of a foreign trade mission, as well as focusing attention on public education and investments in the field of biomedicine and biotechnology.

Mr. Howard serves with me as a member of the National Bipartisan Commission on the Future of Medicare. The Commission has held a number of field hearings in Tennessee to gather the views and concerns of industry leaders and beneficiaries in the state. Mr. Howard's perspective as CEO of a health maintenance organization, which contracts with companies, Medicare and the TennCare program, is appropriate and useful for the Commission's goal of identifying challenges facing the Medicare program and for creating potential solutions.

Mr. President, I congratulate Mr. Howard on this worthy achievement and thank him for serving as a role model for the next generation. I am proud of his optimistic view toward life, and his perseverance and dedication toward overcoming obstacles. I wish him well throughout his tenure as Chairman of the Nashville Chamber of Commerce.●

NATIONAL WILDLIFE REFUGE SYSTEM IMPROVEMENT ACT OF 1998

Mr. DOMENICI. Madam President, I ask unanimous consent that the Senate now proceed to consideration of calendar No. 549, S. 2317.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 2317) to improve the National Wildlife Refuge System, and for other purposes.

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

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Environment and Public Works, with amendments; as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets and the parts of the bill intended to be inserted are shown in italic.)

S. 2317

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''National Wildlife Refuge System Improvement Act of 1998''.

SEC. 2. UPPER MISSISSIPPI RIVER NATIONAL WILDLIFE AND FISH REFUGE.

(a) IN GENERAL.—In accordance with section 4(a)(3) of the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd(a)(3)), there are transferred to the Corps of Engineers, without reimbursement, approximately 37.36 acres of land of the Upper Mississippi River Wildlife and Fish Refuge in the State of Minnesota, as designated on the map entitled ''Upper Mississippi National Wildlife and Fish Refuge lands transferred to Corps of Engineers'', dated January 1998, and available, with accompanying legal descriptions of the land, for inspection in appropriate offices of the United States Fish and Wildlife Service.

(b) CONFORMING AMENDMENTS.—The first section and section 2 of the Upper Mississippi River Wild Life and Fish Refuge Act (16 U.S.C. 721, 722) are amended by striking ''Upper Mississippi River Wild Life and Fish Refuge'' each place it appears and inserting ''Upper Mississippi River National Wildlife and Fish Refuge''.

SEC. 3. KILLCOHOOK COORDINATION AREA.

(a) IN GENERAL.—In accordance with section 4(a)(3) of the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd(a)(3)), the jurisdiction of the United States Fish and Wildlife Service over approximately 1,439.26 acres of land in the States of New Jersey and Delaware, known as the ''Killcohook Coordination Area'', as established by Executive Order No. 6582, issued February 3, 1934, and Executive Order No. 8648, issued January 23, 1941, is terminated.

(b) EXECUTIVE ORDERS.—Executive Order No. 6582, issued February 3, 1934, and Executive Order No. 8648, issued January 23, 1941, are revoked.

SEC. 4. LAKE ELSIE NATIONAL WILDLIFE REFUGE.

(a) IN GENERAL.—In accordance with section 4(a)(3) of the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd(a)(3)), the jurisdiction of the United States Fish and Wildlife Service over approximately 634.7 acres of land and water in Richland County, North Dakota, known as the ''Lake Elsie National Wildlife Refuge'', as established by Executive Order No. 8152, issued June 12, 1939, is terminated.

(b) EXECUTIVE ORDER.—Executive Order No. 8152, issued June 12, 1939, is revoked.

SEC. 5. KLAMATH FOREST NATIONAL WILDLIFE REFUGE.

Section 28 of the Act of August 13, 1954 (25 U.S.C. 564w–1), is amended in subsections (f) and (g) by striking ''Klamath Forest National Wildlife Refuge'' each place it appears and inserting ''Klamath Marsh National Wildlife Refuge''.

SEC. 6. VIOLATION OF NATIONAL WILDLIFE REFUGE SYSTEM ADMINISTRATION ACT.

Section 4 of the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd) is amended—

(1) in the first sentence of subsection (c), by striking ''knowingly''; *and*

(2) in subsection (f)—

(A) by striking ''(f) Any'' and inserting the following:

''(f) PENALTIES.—

''(1) KNOWING VIOLATIONS.—Any'';

(B) by inserting ''knowingly'' after ''who''; and

(C) by adding at the end the following:

''(2) OTHER VIOLATIONS.—Any person who otherwise violates or fails to comply with any of the provisions of this Act (including a regulation issued under this Act) shall be fined under title 18, United States Code, or imprisoned not more than 180 days, or both.''[; and.

[(3) in subsection (g)—

[(A) by striking ''(g) Any'' and inserting the following:

[''(g) ENFORCEMENT.—

[''(1) IN GENERAL.—Any''; and

[(B) by adding at the end the following:

[''(2) FORFEITURE.—A gun, trap, net, or other equipment, or a vessel, vehicle, aircraft, or other means of transportation, used to aid the commission of a violation of this Act (including a regulation issued under this Act) shall be subject to forfeiture on conviction of a criminal violation under subsection (f)(1).

[''(3) OTHER LAWS.—

[''(A) IN GENERAL.—Except as provided in subparagraph (B), all provisions of law relating to the seizure, forfeiture, and condemnation of property for a violation of the customs laws of the United States, the disposition of the property and the proceeds of sale of the property, and the remission or mitigation of the forfeiture, shall apply to a seizure or forfeiture incurred, or alleged to have been incurred, under this Act to the extent that the provisions of law are applicable to, and not inconsistent with, this Act.

[''(B) OFFICERS OR EMPLOYEES.—All powers, rights, and duties conferred or imposed by the customs laws of the United States on any officer or employee of the Department of the Treasury shall, for the purposes of this Act, be exercised or performed by the Secretary or such persons as the Secretary may designate.''.]

Mr. CHAFEE. Mr. President, I introduced this bill last July on behalf of the administration. S. 2317 makes several changes to the National Wildlife Refuge System Administration Act of 1966. First, it removes three areas from the Refuge System that have lost the habitat value that led to their being incorporated into the Refuge System. Second, it changes the name of the Klamath Forest National Wildlife Refuge in Oregon to the Klamath Marsh National Wildlife Refuge. The current name leads visitors to believe that it is a national forest, causing confusion over what activities are permitted.

Mr. President, although no one like to see areas removed from the Refuge System, the three areas in question have truly lost their original wildlife value. Thirty-seven acres within the Upper Mississippi River National Wildlife and Fish Refuge has been developed for recreational purposes when it was leased to the Army Corps of Engineers (Corps). The area in question would be transferred to the Corps, which owns the adjoining lands, and its recreational use would be continued.

In 1934 an Executive order established the Killcohook Coordination Area as a migratory bird refuge as long as the Corps could continue to use the area as a dredge disposal site. Sixty years later this area is completely covered with piles of spoil and, not surprisingly, no remaining waterfowl habitat. This bill would eliminate the Fish and Wildlife Service's secondary jurisdiction.

The final change will revoke an easement that allows the Fish and Wildlife Service to prohibit hunting of migratory birds at Lake Elsie, North Dakota. The easement was granted in 1939 and the surrounding land is privately owned and the State owns the lake. Due to substantial development, the area is no longer suitable for migratory birds.

S. 2317 will also reduce the penalty for unintentional violations of the National Wildlife Refuge System Administration Act. Currently, all violations of the act are class A misdemeanors, regardless of whether or not it was an intentional violation. Unintentional violations will now be a class B misdemeanor.

Mr. President, I urge my colleagues in the Senate to support this bill.

Mr. DOMENICI. I ask unanimous consent that the committee amendments be agreed to, the bill be considered read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed at the appropriate place in the RECORD.

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

The committee amendments were agreed to.

The bill (S. 2317), as amended, was considered read the third time and passed.

ORDERS FOR TUESDAY, SEPTEMBER 22, 1998

Mr. DOMENICI. Madam President, on behalf of the leader, I ask unanimous consent that when the Senate completes its business today it stand in adjournment until 9:30 a.m. on Tuesday, September 22. I further ask that when the Senate reconvenes on Tuesday, immediately following the prayer, the Journal of proceedings be approved, no resolutions come over under the rule, the call of the calendar be waived, the morning hour be deemed to have expired, the time for the two leaders be reserved, and the Senate then resume consideration of S. 1301, the bankruptcy bill.

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

Mr. DOMENICI. I further ask unanimous consent that on Tuesday morning at 9:30 a.m. Senator REED be recognized to offer an amendment regarding underwriting standards, and there be 1 hour for debate on the amendment equally divided, and that at the conclusion of the debate, the amendment be temporarily set aside.

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

Mr. DOMENICI. Further, I ask unanimous consent that following the vote on or in relation to the Kennedy minimum wage amendment scheduled at approximately 2:20 p.m, the Feingold amendment, No. 3602, recur, and there be 10 minutes equally divided for closing remarks prior to the vote on or in relation to the amendment.

I further ask that following that vote the Feingold amendment, No. 3565, recur, and there be 5 minutes equally divided for closing remarks prior to a vote on or in relation to the amendment. Further, that following that vote, the Reed amendment recur and there be 10 minutes equally divided for closing remarks prior to a vote on or in relation to the amendment.

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

Mr. DOMENICI. Finally, I ask unanimous consent that the Senate stand in recess on Tuesday from 12:30 until 2:15 p.m.

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

PROGRAM

Mr. DOMENICI. For the information of all Senators, when the Senate convenes on Tuesday, Senator REED will be recognized to offer an amendment under a 1-hour time agreement. Following that debate, Senator KENNEDY will be recognized to offer an amendment regarding the minimum wage under a 2-hour time agreement. At 12:30 p.m, the Senate will recess until 2:15 p.m. to allow the two party conferences to meet. When the Senate reconvenes at 2:15, there will be 5 minutes for closing remarks on the Kennedy amendment prior to a vote on or in relation to the amendment. Following that vote, there will be up to four additional votes occurring in a stacked sequence with minimal debate between each vote. Those votes, in their respective order, will include the two Feingold amendments regarding attorney's fees and filing fees, the Reed amendment regarding underwriting standards, and the cloture vote on the child custody bill previously scheduled for 4:30 p.m. Further votes will occur into the evening as the Senate attempts to complete action on the bankruptcy bill.

As a reminder to Members, second-degree amendments to the child custody bill must be filed by 3:30 p.m.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. DOMENICI. If there is no further business to come before the Senate, I now ask unanimous consent the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 3:42 p.m., adjourned until Tuesday, September 22, 1998, at 9:30 a.m.