United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 105th CONGRESS, SECOND SESSION

Vol. 144 WASHINGTON, TUESDAY, SEPTEMBER 29, 1998 No. 133

House of Representatives

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. BURR of North Carolina).

DESIGNATION OF THE SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
September 29, 1998.

I hereby designate the Honorable RICHARD BURR to act as Speaker pro tempore on this day.

NEWT GINGRICH,
Speaker of the House of Representatives.

PRAYER

The Chaplain, Reverend James David Ford, D.D., offered the following prayer:

Let us pray using words of the penitential Psalm 51:

Have mercy on me, O God, according to thy steadfast love; according to thy abundant mercy, blot out my transgressions. Wash me thoroughly from mine iniquity and cleanse me from my sin.

Create in me a clean heart, O God, and put a new and right spirit within me. Cast me not away from thy presence and take not thy holy Spirit from me. Restore to me the joy of thy salvation, and uphold me with a willing spirit. Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

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

Mr. BATEMAN led the Pledge of Allegiance as follows:

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

MESSAGE FROM THE SENATE

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

H.R. 3096. An act to correct a provision relating to termination of benefits for convicted persons.

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

S. 2392. An act to encourage the disclosure and exchange of information about computer processing problems, solutions, test practices and test results, and related matters in connection with the transition to the year 2000.

IN SUPPORT OF H.R. 1194

(Mr. NORWOOD asked and was given permission to address the House for 1 minute.)

Mr. NORWOOD. Mr. Speaker, this sounds a little crooked, but I will see if I can get it straight. Four years ago Republicans inherited a Congress run by liberals for 40 years.

Now, during that time, our friends on the other side of the aisle passed some pretty cute environmental laws. Well, most of these laws make about as much sense as letting the fox guard the hen house. So what has happened? Federal entities like my friends at the Savannah District of the Corps of Engineers claim sovereign immunity so they do not have to comply with environmental laws.

On the other hand, private industry just gets sued so groups like the Sierra Club can make ends meet. Pretty clever.

I think it is time that my friends at the Corps of Engineers and all other Federal entities, for that matter, abide by the laws they set for you and me. Then instead of sneaking out the back door like they do now with this large loophole, they will realize how frivolous some of these laws actually are.

Cosponsor H.R. 1194 and stay tuned.

TAX CUTS

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

Mr. GIBBONS. Mr. Speaker, it was last year that Republicans passed tax cuts as part of the bipartisan balanced budget agreement. The President signed that legislation last summer.

This year the Congress and especially the leadership of the Republicans passed another tax cut. But this year the Democrats are attacking these tax cuts, calling them an election year gimmick.

This is a very strange attitude, but one that speaks volumes about what liberal Democrats think about tax cuts. Liberal Democrats do not think that Americans are overtaxed. They see no problem with a government that requires average Americans to work until mid-May, Tax Freedom Day, before having the right to keep the fruits of their labor. In fact, they act as if politicians are actually doing you a favor by letting you keep what already belongs to you.

The money that people earn belongs to them, not to the politicians here in Washington. It is time that the liberals and the Democratic leadership understand that and show some respect for the hard-working people of America.

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CONGRATULATIONS TO SOUTHEASTERN MINNESOTA HIGH SCHOOL HONORS CHOIR

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

Mr. GUTKNECHT. Mr. Speaker, I rise today to congratulate the Southeastern Minnesota High School Honors Choir and their director, Richard Kvam, on the successful completion of their European concert tour.

As the American representatives to an international competition of high school choirs, these 73 high schoolers from across the First Congressional District represented the best our country has to offer. They did not disappoint us, taking first place in the competition over choirs from as far away as South Africa, Denmark and Japan.

More important than their award, however, was the way that the students conducted themselves in concerts and impromptu performances throughout Austria, Germany and the Czech Republic. Whether singing in historic churches or modern airport terminals, they were always respectful of their European hosts. Best of all, they made beautiful music.

We in Minnesota have been blessed with an unusually strong choral music heritage. Our Honors Choir follows in the tradition of such internationally-acclaimed groups as the St. Olaf College Choir and the Dale Warland Singers.

As someone who has heard the Honors Choir perform on more than one occasion, I can attest to the fact that they deserve to be called the best in the world.

Congratulations, once again.

ADJOURNMENT TO THURSDAY, OCTOBER 1, 1998

Mr. BATEMAN. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 2 p.m. on Thursday October 1, 1998.

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

There was no objection.

SPECIAL ORDERS

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

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

(Mr. STEARNS addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

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

(Mr. BLUMENAUER addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

ON THE DEATH OF MARY MATHEWS

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

Mr. BATEMAN. Mr. Speaker, it is with exceeding regret that I advise my colleagues of the death of a great American and one of the most beloved Virginians of this era in the illustrious history of our Commonwealth.

My reference is to Mary Mathews, a Greek American who has been a towering example of patriotism. Mary had a love affair with her adopted country and, of all the people I have known, none surpassed her in her caring for those who serve our Nation in our military service.

Mary Mathews was the widow of Nick Mathews, himself a great American patriot. Together they founded and built Nick's Seafood Pavilion in Yorktown, Virginia and made it a highly successful and profitable restaurant operation. Their success, founded on their hard work and dedication to quality, was shared with their community, State and Nation. Their joint philanthropy while Nick lived and Mary's continued generosity after his death are legendary.

As a resident of Yorktown, which is the site of the battle that procured our Nation's independence, Mary had a special reverence for what Yorktown and the success of the American Revolution meant, not only to Americans but to people throughout the globe. Most appropriately, Mary Mathews was chosen by the Navy to be the sponsor of the Aegis Class Cruiser, U.S.S. Yorktown. She understood this to be a signal honor, and no ship or its crew were ever more generously recognized by their sponsor than the cruiser U.S.S. Yorktown by their sponsor Mary Mathews.

My wife, Laura, and I have had a warm, close relationship with Nick and Mary Mathews since at least May 29, 1954, when we stopped there for our first dinner as husband and wife following our wedding on that date. We were with Mary in Pascagoula, Mississippi when she, with great elan, christened the U.S.S. Yorktown, the day following the death of her beloved husband, Nick, before yielding to her grief.

We were with Mary when the U.S.S. Yorktown was sent by the Navy to Yorktown for its commissioning ceremony. You would have had to have been there to fully appreciate the joy that occasion gave to Mary Mathews and the special relationship between her and the crew of the U.S.S. Yorktown.

Finally, you needed to be on the site of the Battle of Yorktown, on October 19, 1981, when Mary Mathews, immigrant patriot, stood on the 200th anniversary of the surrender of Cornwallis, alongside President Reagan and President Mitterand of France, basking in the pride of being an American and living in one of America's special places, commemorating a very special event.

God bless Mary Mathews, and as she would say, God bless America, the land she so truly loved.

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

(Mr. DIXON addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

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

(Mr. SCARBOROUGH addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

PRESCRIPTION DRUG PRICING

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Mrs. CAPPS) is recognized for 5 minutes.

Mrs. CAPPS. Mr. Speaker, I rise today to bring the attention of the House to a veritable scandal occurring in our country today. Seniors on the central coast of California and throughout the country are paying outrageously high prices for their prescription drugs. Even worse, these inflated prices subsidize the discounts that high-profit HMOs get for the very same drugs.

Yesterday I released a report on the cost of prescription drugs for seniors in my district and, more importantly, a major reason that these costs are so high. The findings are startling.

Seniors in my district pay on average 133 percent more for the 10 most widely prescribed drugs than do HMOs buying the same drugs. These are drugs like Zocor for reducing cholesterol, Norvasc for reducing blood pressure, and Relafen for relief from arthritis, common prescription drugs.

Prescription drug companies give huge discounts to managed care companies for these and other drugs. Other buyers, like pharmacists, pay substantially more for the same drugs and must pass these higher costs on to seniors.

For example, my study found that Ticlid, one of the most widely prescribed medications for persons who have had strokes, sells to an HMO for around $34 for 60 tablets. Yet in my district the average price for seniors who have to pay for this drug themselves is more than $130, nearly a 300 percent markup over the price the HMO pays.

The huge difference in prices is not going to the retail pharmacist in Santa Barbara or Santa Maria or Arroyo

Grande. On average the local pharmacists on the central coast are themselves paying $100 to $110 for Ticlid. The final price seniors pay includes only a reasonable markup to the outrageous price pharmacists are forced to pay to the drug companies.

□ 1015

No, the extra money that seniors pay goes to the drug company so that it can continue to give big discounts to the HMOs and managed care companies.

That seniors should be paying more money for drugs than they should, while HMOs reap huge profits, is a very sad story. And these are profits that are based partly on the huge discounts that they get from the drug companies. But there is even a sadder element. Many seniors simply cannot afford these high prices and so instead, because of their fixed incomes, they take half the prescribed dosage or they just do not buy these life-saving drugs because they cost too much.

For example, Clyde Vann, of Pismo Beach, told my staff that he pays over $300 per month for seven prescription drugs on his fixed income, and he is not even taking two others because he cannot afford the extra $150 a month. Harriet MacGregor of Santa Barbara told my staff that because of the high cost of her five prescriptions she must sometimes skip or reduce her dosage.

Mr. Speaker, this is intolerable. Senior citizens should not be subsidizing the big profits of HMOs, and they should not have to choose between filling their prescriptions or buying food or paying rent.

Last week I was proud to be an original cosponsor of legislation to address this issue. H.R. 4646 was introduced by my good friend and colleague, the gentleman from Texas (Mr. JIM TURNER), who is here today and will be also speaking to this topic. This bill will allow pharmacists the opportunity to receive the same big discounts that HMOs get for drugs that they dispense to seniors.

This legislation is long overdue and will ensure that seniors pay reasonable prices for the life-saving medications that they so desperately need, and I urge my colleagues on both sides of the aisle to support this legislation.

Mr. Speaker, I submit for the RECORD a document providing information on cost differentials on prescription drugs.

APPENDIX A.—INFORMATION ON PRESCRIPTION DRUGS ANALYZED IN THIS STUDY

Brand name drug	Dosage and form	Indication	Prices (Dollars)				Price differential (percent)
			FSS	Major wholesaler	AWP	Average retail price	
Ticlid	250 mg, 60 tablets	Stroke	$33.57	$99.44	$108.90	$131.24	291
Zocor	5 mg, 60 tablets	Cholesterol reducer	42.95	85.47	106.84	112.55	161
Prilosec	20 mg, 30 cap	Ulcer	58.38	99.20	108.90	131.47	125
Norvasc	5 mg, 90 tablets	Blood Pressure	58.83	97.92	125.66	128.78	119
Fosamax	10 mg, 30 tablets	Osteoporosis	31.86	50.91	51.88	69.22	117
Procardia XL	30 mg, 100 tab	Heart	67.35	105.05	131.31	143.75	113
Relafen	500 mg, 100 tab	Arthritis	62.58	88.88	111.10	132.78	112
Vasotec	10 mg, 100 tab	Blood Pressure	56.08	85.56	102.94	116.28	107
Cardizem CD	240 mg, 90 tablets	Angina	99.36	154.10	165.42	199.04	100
Zoloft	50 mg, 100 tab	Depression	123.88	172.44	215.55	232.50	88
Average price differential							133

H.R. 4646, THE PRESCRIPTION FAIRNESS ACT

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

Mr. TURNER. Mr. Speaker, I thank the gentlewoman from California (Mrs. CAPPS) for her remarks regarding the legislation that she and 61 other Members of the House have joined in to try to address this very serious problem that faces many of our senior citizens: The high cost of prescription drugs.

The Committee on Government Reform and Oversight did a study at my request, in my district, in response to the many senior citizens who have contacted me telling me that they have noticed that it is becoming an increasing problem for them to pay for the high cost of prescription medication. One of these ladies is a constituent of mine in Orange, Texas. Her name is Frances Daley. I had the opportunity to visit with her in my district, when I was going around talking about H.R. 4646, the Prescription Fairness Act, that 62 of us in the House have introduced.

Ms. Daley is blind. She takes nine prescription medications. She spends an average of $450 a month on those nine medications. She lives on a meager Social Security check, $650 a month. With only $110 left after trying to pay for these prescription drugs, I asked Ms. Daley, ''How do you do it?'' And she leaned over to me, in a proud sort of way, and said, ''I just take half my medication.''

No senior citizen should be faced with the choice of taking only half of their medications. I even talked to senior citizens who quietly told me that they sometimes have to choose between buying food and buying medication.

While we have been very proud of the fact that Medicare has provided some protection for our senior citizens' health care, all the while we have failed to note that slowly prescription drug prices have been rising and rising and rising, to the point where many of our seniors can no longer pay for their prescription medications.

At my request and the request of several other members of our Committee on Government Reform and Oversight, the staff put together a study. We went out and we surveyed pharmacies in our own districts, just to find out what the price differential was between what our senior citizens are paying for drugs and what the big drug manufacturers' most favored customers are paying for those same drugs.

The results of that study are shown on this chart to my right. What we determined was that there are 10 drugs that are commonly prescribed for senior citizens. The 10 most commonly prescribed drugs are shown in the left-hand column. The name of the manufacturer is shown in the next column. The use of that drug is shown in the next column.

And in this column we see the prices that are paid by the big drug manufacturers' most favored customers. By ''favored customers'' we are talking about the big HMOs, the big hospital chains, and even the Federal Government. Those are the favored customers of the big drug manufacturers.

For Ticlid, the first example on the chart, which is used as a stroke medication, the most favored customers pay $33.57 to the big drug manufacturers for a typical prescription; about a month's supply of Ticlid. The retail price paid in the Second Congressional District of Texas, the average retail price, is $117.95. That is what the senior citizens pays when they walk into their local pharmacy.

The price differential is shown in the last column. For Ticlid, senior citizens in the Second Congressional District, and in most districts in this country, are paying over twice, 251 percent more for Ticlid than the most favored customers of the big drug manufacturers.

We took all 10, we averaged them, and as we can see in the bottom right-hand corner, there is over twice a difference between what senior citizens are paying in their local retail pharmacies and what the big drug companies are charging their most favored customers.

This is not right. This kind of price discrimination is placing the burden of paying the highest prices for prescription drugs in this country on the segment of our population that is least able to pay: our senior citizens who walk into their local pharmacy without insurance.

Our study showed many other examples of price discrimination. One drug, Synthorid, a hormone treatment, had a price difference of 1350 percent. The most favored customers were paying $1.78 for the prescription, while our senior citizens in their local pharmacies are paying $25.86.

Some would say, well, maybe the local pharmacies are getting rich. The truth is the markup on drugs at a local pharmacy is very small. Our study indicated that it ranged anywhere from a 1 percent markup to a high of 19 percent. So it is not our local pharmacies that are responsible for this problem. It goes back to the big drug manufacturers and their discriminatory pricing practices. It is wrong, and we need to do something about it.

H.R. 4646 addresses this problem by allowing our local pharmacies to buy directly from the Federal Government at these lower prices and then resale, resale to our senior citizens at much lower prices. We think this is a common sense solution, will cost the government nothing, but it should be done for folks like Ms. Daley in Orange, Texas. The big drug companies will not like it, but for Ms. Daley it is worth the fight.

RESPECT WILL OF HOUSE AND SENATE AND ALLOW WOMEN EQUAL BENEFITS UNDER FEDERAL HEALTH PLANS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from the District of Columbia (Ms. NORTON) is recognized for 5 minutes.

Ms. NORTON. Mr. Speaker, last night the Treasury-Postal conference settled virtually everything except the controversy over contraceptives in this body.

Normally, such controversies concern differences between the House and the Senate. There are no differences between the House and the Senate on the matter of allowing Federal employees options for contraception. This matter was won in the House; it was won in the Senate. There is an attempt to undemocratically overturn the will of this House and the will of the Senate in conference. Both the House and the Senate understood that this no-cost health necessity for women is elementary. Yet a group of men, largely of men, in this body is trying to reverse what the majority of two houses have done.

What have we done? We simply require that health plans cover contraception as they do other prescriptions. Most of what men need in prescriptions are covered, yet many health plans do not cover contraception. This is essential for the health of American women, in this case Federal employees, because of vast differences in contraceptives.

We all know, for example, of the pill. And there are some people who cannot take the pill. Some kinds of contraception do not work for some people. Some have serious side effects. Some are uncomfortable. Some have long-term effects and people do not wish to take the risk.

Federal employees do not have the options necessary for their health today. Eighty percent, that is the vast majority of Federal plans, do not cover the range of available contraceptives and, thereby, are putting the health of women in the Federal service at risk. Ten percent do not cover contraception at all. Imagine that. Often plans cover abortion but not contraception. Really turns on its head the way we should be going at this issue.

One reason why women of reproductive age spend 68 percent more in out-of-pocket costs for health care is this failure to cover contraception which most American women use and need. Most Americans, including the majority of pro-life voters, support the requirement that health insurance cover contraception. So why is it, then, that the gentleman from New Jersey (Mr. CHRIS SMITH), the gentleman from Oklahoma (Mr. ISTOOK), and all the Republicans on the conference committee on the House side, and even the gentlewoman from Kentucky (Mrs. NORTHUP), who is on that committee, are trying to defeat the will of the majority in conference?

The bipartisan Women's Caucus of this House supports this measure. This measure was won fair and square in committee, and then there was an attempt to overturn it here in the House. Now it has been won fair and square in both Houses, and democracy does not yet rule.

This gets to be very personal, Mr. Speaker, because we are here not only talking about women's health, we are talking about the most personal side of their health: reproductive health. We have no right to limit what contraception a woman may use. The five leading methods, oral contraception, diaphragm, IUD, Norplant, and Depo-Provera, are none of them associated with abortion. That, of course, is already taken care of in the bill. Federal employees are put at considerable disadvantage by having their options limited in so basic a way.

Allow women equal benefits under Federal health plans. Let the will of the majority of the House and Senate prevail. Do not give in to an energetic minority not committed either to women or to democracy in this body.

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

(Mr. BERRY addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

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A CHALLENGE TO AMERICA, RECOGNIZE THE FREEDOM IN WHICH WE LIVE

The SPEAKER pro tempore (Mr. BURR of North Carolina). Under a previous order of the House, the gentlewoman from Texas (Ms. JACKSON-LEE) is recognized for 5 minutes.

Ms. JACKSON-LEE of Texas. Mr. Speaker, in less than a week the Committee on the Judiciary, of which I am a member, on October 5 will convene for what I believe will be an important hearing.

I thought it was important this morning, in light of the press conference yesterday of the chairman, the gentleman from Illinois (Mr. HYDE), to try to not only clarify for myself but to articulate some of the views of those of us who are Democrats juxtaposed against the chairman's remarks yesterday.

This committee now has a task that for many is not a pleasant task. It is not a pleasant time for America or Americans. It is a somber time and a highly serious commitment on all of our parts, for the concept of impeachment goes to the very infrastructure of this Nation.

As I reflected on the will of the Founding Fathers in their design of article 2, section 4, the impeachment provision, I now more than ever understood their thoughts. This fledgling nation they wanted to survive. How well they do, that in 1998, we live in a free nation, a sovereign nation, that respects the First Amendment and certain rights under the Bill of Rights, such as the Fifth Amendment of due process.

The Founding Fathers were immediate immigrants from desperate nations, or nations with monarchies. I believe what they said, that we will have a nation that elects, where the head of government is not a monarchy and we will have a right as a people to elect that person but as well we will have a right to remove that person.

At the same time, I would simply say that they did not want this process to be frivolous and without meaning. Nor did they give us any fine definition.

High crimes and misdemeanors, many may think of the word high as very important. If one reads further one might find that it is high, meaning against the crown. So, in fact, they did leave the definition of high crimes and misdemeanors to the ongoing time frame of when we might find it.

So in 1974, as the Nixon proceedings moved forward, we found that the Republicans, who were then in the minority, decided that high crimes had to be a commitment of a crime and as well it had to be against the government, for obviously Mr. Nixon was of the Republican Party.

We now have had 6 days of hearings in the Committee on the Judiciary. None of them have been on the issue of defining what high crimes and misdemeanors might portend to be in 1998. We have spent a lot of time playing to the public opinion, the media blitz. We have spent a lot of time releasing documents that most Americans thought were sacred because they were part of a grand jury system.

The Office of Independent Counsel uses the grand jury system. It is a system that any one of us could be using by way of the process in local communities, where by some unfortunate circumstances one is arrested and there is a grand jury proceeding and then possibly a trial, that grand jury documentation is never released to the public. In fact, Mr. Timothy McVeigh, well-known for the allegations and charges and then conviction of bombing the Oklahoma building, 168 people dead, none of the grand jury testimony in that proceeding was ever released.

So when this is played out in the public arena, it looks as if we have strident Democrats, some say political hacks, and the white-hat-wearing Republicans who want the people to know everything.

I do not want to be either, and this process by the Founding Fathers was not made to be any of that. It was given to us in trust because we are the representatives of the people. The President is elected by the people. Yet in this Committee on the Judiciary we cannot get a unanimous vote on accepting the Fifth Amendment as a guiding principle of what we would be doing; the rights of the accused to protect them in their life, liberty and the pursuit of happiness.

The chairman of the Committee on the Judiciary, the gentleman from Illinois (Mr. HYDE), says that the President in his guiding principles is not above the law, and I say he is absolutely right, but he is not below the law as well. He said he would be guided by the letter and the spirit of the constitution and yet in this hybrid process he has released willy-nilly the proceedings of the grand jury testimony.

We have a very important responsibility. It is frivolous, Mr. Speaker, that we would think in 2 days we can make a decision on an impeachment inquiry.

My challenge to America is to recognize the freedom in which we live and that democracy will only be preserved if we preserve it in the Committee on the Judiciary and treat everyone fairly.

U.S-INDIA RELATIONS

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

Mr. PALLONE. Mr. Speaker, I rise this morning to talk about several important issues affecting the relationship between the two largest democracies in the world, that is the United States and India.

Yesterday, Congress took an important step towards getting those relations back in a positive direction. The House-Senate Conference on Agricultural Appropriations approved a provision that would give the President authority to waive sanctions that were imposed on both India and Pakistan as a result of the nuclear tests that those countries conducted earlier this year.

Mr. Speaker, it is important and necessary to provide the President with proper sanction waiver authority so that he may have more flexibility in negotiating with India and Pakistan.

Pursuant to the Glenn amendment to the Arms Export Control Act, the President was required to invoke severe economic sanctions after the nuclear tests in May. These unilateral sanctions prohibit a variety of commercial and technical transactions between the United States and India. U.S.-India economic relations were growing in a positive direction at the time of the tests. In fact, the U.S. was India's largest trading partner.

The sanctions that were imposed after the nuclear tests have disrupted a variety of bilateral assistance programs, including technical support for the development of financial institutions and other market reforms. These reforms offer short- and long-term opportunities for U.S. companies, large and small, to gain greater entry into India's vast consumer market and to help meet India's significant infrastructure improvement needs.

Under the unilateral sanctions, we stand to lose many of these opportunities. In addition, the sanctions require the U.S. to block international financial institutions from making loans to India.

The sanctions have not achieved the desired result, namely gaining India's support for the Comprehensive Test Ban Treaty. However, several rounds of negotiations between our deputy Secretary of State, Strobe Talbott, and the special envoy of India's Prime Minister Vajpayee, Mr. Jaswant Singh, have shown significant progress.

Giving President Clinton the authority to waive sanctions in exchange for significant agreements for India, as well as Pakistan, will help to move forward the process and ultimately enhance our nuclear non-proliferation efforts.

Mr. Speaker, I was joined by 21 of my colleagues from both sides of the aisle in this body in sending a letter to the conferees, to the ag conferees, urging them to support this important sanctions waiver provision, and I congratulate the conferees for approving this provision last night.

Yesterday evening, India's Prime Minister Vajpayee left the United States after a brief visit to New York that included a significant speech before the United Nations, as well as a meeting with his Pakistani counterpart Prime Minister Sharif. Prime Minister Vajpayee's speech to the U.N. General Assembly provided a positive foundation for improving U.S.-India relations.

I was also heartened by the new chapter in India-Pakistan ties signalled by Thursday's meeting between the two prime ministers of India and Pakistan.

By expressing India's readiness to sign the Comprehensive Test Ban Treaty, Prime Minister Vajpayee has helped to vastly improve the climate and relations between the United States and India.

I hope our administration will redouble its efforts to work with the Indian government to achieve results on nuclear proliferation of other issues.

I was also very encouraged by the outcome of the Indian and Pakistani prime ministers' meeting, particularly with regard to peacefully settling the Kashmir issue establishing better communications between the two governments and increasing economic and trade cooperation.

I agree that these issues, particularly the Kashmir issue, should be addressed on a bilateral basis between the two countries.

The prime minister of India's appeal for a concerted international plan to combat terrorism and safeguard human rights is consistent with American views on these issues and deserves the support of the United States and the international community. In fact, the leadership that the prime minister expressed on all of these issues points to the importance of finally granting India a permanent seat on the U.N. Security Council.

Besides the obvious justification for this step, the fact that India has one-sixth of the world's population and has contributed significantly to U.N. peacekeeping efforts, India offers a model for developing countries based on democracy and tolerance and as the prime minister's speech showed yesterday, India has important ideas on global stability issues that the rest of the world should listen to.

I have sponsored legislation expressing support for India's bid to become a permanent member of the Security Council and I hope that the prime minister's visit will add momentum to that effort. I also hope that the progress we have seen in the last few days creates the conditions to allow President Clinton's trip to South Asia to go forward in the near future.

Finally, Mr. Speaker, I just wanted to remind my colleagues here and the American people of an important milestone. October 2, this Friday, is the birthday of Mahatma Gandhi, who led India's independence effort. I mention Gandhi's birthday because this House recently approved legislation, that I cosponsored with my colleague, the gentleman from Florida (Mr. MCCOLLUM), that would authorize the government of India to establish a memorial to honor Mahatma Gandhi in Washington, D.C. There is similar legislation pending in the Senate, and I hope our colleagues in the other body will approve that legislation, ideally in time for the commemoration of Gandhi's birthday on Friday, and as another expression of friendship between our two countries.

SPECIAL ORDERS GRANTED

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

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

Mr. BLUMENAUER, for 5 minutes, today.

Mr. DIXON, for 5 minutes, today.

Ms. CAPPS, for 5 minutes, today.

Mr. TURNER, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Ms. NORTON, for 5 minutes, today.

Mr. BERRY, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

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

Mr. HULSHOF, for 5 minutes, on October 2.

Mr. SCARBOROUGH, for 5 minutes, today.

EXTENSION OF REMARKS

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

(The following Members (at the request of Ms. NORTON) and to include extraneous material:)

Mr. LEVIN.

Mr. KIND.

Mrs. MINK of Hawaii.

Mrs. LOWEY.

Mr. LUTHER.

Mr. GEJDENSON.

Mr. VISCLOSKY.

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

Mr. PACKARD.

Mr. SCARBOROUGH.

Mr. LAZIO.

Mr. HORN.

(The following Member (at the request of Mr. PALLONE) and to include extraneous material:)

Mrs. MEEK of Florida.

ADJOURNMENT

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

The motion was agreed to; accordingly (at 10 o'clock and 40 minutes a.m.), under its previous order, the House adjourned until Thursday, October 1, 1998, at 2 p.m.

EXECUTIVE COMMUNICATIONS, ETC.

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

[Omitted from Record of September 28, 1998]

11337. A letter from the Committee on the Judiciary, transmitting the preliminary memorandum of the President of the United States concerning the Referral of the Office of the Independent Counsel and the initial response of the President of the United States to the Referral of the Office of the Independent Counsel; (H. Doc. No. 105—317); and ordered to be printed.

11340. A letter from the Office of the Independent Counsel, Kenneth W. Starr, transmitting supplemental materials to the Referral to the United States House of Representatives pursuant to title 28, United States Code, section 595(c) submitted by the Office of the Independent Counsel, September 9, 1998; (H. Doc. No. 105–316); to the Committee on the Judiciary and ordered to be printed.

11338. A letter from the Administrator, Agricultural Marketing Service, transmitting the Service's final rule—Oranges, Grapefruit, Tangerines, and Tangelos Grown in Florida; Limiting the Volume of Small Red Seedless Grapefruit [Docket No. FV98–905–4 IFR] received September 28, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

11339. A letter from the Administrator, Food Safety and Inspection Service, transmitting the Service's final rule—Continuous Chilling of Split Poultry Portions [Docket No. 95–011F] (RIN: 0583–AB95) received September 28, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

[Submitted September 29, 1998]

11341. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Employment History, Verification and Criminal History Records Check [Docket No. 28859; Amendment No. 107–12, 108–17] (RIN: 2120–AG32) received September 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11342. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Airbus Model A321 Series Airplanes [Docket No. 98–NM–246–AD; Amendment 39–10750; AD 98–19–08] (RIN: 2120–AA64) received September 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11343. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Hazardous Materials Regulations; Editorial Corrections and Clarifications [Docket No. RSPA–98–4404 (HM–189 0)] (RIN: 2137–AD27) received September 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11344. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Drawbridge Operation Regulation; Lafourche Bayou, LA [CGD08–98–062—and—CGD08–98–052] (RIN: 2115–AE47) received September 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11345. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Bombardier Model DHC–8–102, -103, -106, -201, -202, -301, -311, and -315 Series Airplanes [Docket No. 98–NM–172–AD; Amendment 39–10781; AD 98–20–14] (RIN: 2120–AA64) received September 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11346. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Technical Amendments; Organizational Changes; Miscellaneous Editorial Changes and Conforming Amendments [USCG–1998–4442] (RIN: 2115–ZZ02) received September 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11347. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; CFM International CFM56–7B and -7B/2 Series Turbofan Engines [Docket No. 98–ANE–55–AD; Amendment 39–10761; AD 98–19–20] (RIN: 2120–AA64) received September 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11348. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Saab Model SAAB 340B Series Airplanes [Docket No. 98–NM–176–AD; Amendment 39–10782; AD 98–20–15] (RIN: 2120–AA64) received September 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11349. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Airbus Model A300 Series Airplanes [Docket No. 98–NM–206–AD; Amendment 39–10783; AD 98–20–16] (RIN: 2120–AA64) received September 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11350. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 747 Series Airplanes [Docket No. 98–NM–257–AD; Amendment 39–10788; AD 98–20–20] (RIN: 2120–AA64) received September 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11351. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Dornier Model 328–100 Series Airplanes [Docket No. 98–NM–162–AD; Amendment 39–10779; AD 98–20–12] (RIN: 2120–AA64) received September 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11352. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Airbus Model A319, A320, and A321 Series Airplanes [Docket No. 98–NM–61–AD; Amendment 39–10777; AD 98–20–10] (RIN: 2120–AA64) received September 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11353. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; British Aerospace (Jetstream) Model 4101 Airplanes [Docket No. 97–NM–339–AD; Amendment 39–10776; AD 98–20–09] (RIN: 2120–AA64) received September 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11354. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; McDonnell Douglas Model DC–9–10, -20, -30, -40, and -50 Series Airplanes and C–9 (Military) Airplanes [Docket No. 96–NM–244–AD; Amendment 39–10775; AD 98–20–08] (RIN: 2120–AA64) received September 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11355. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Airbus Model A300 Series Airplanes [Docket No. 98–NM–169–AD; Amendment 39–10780; AD 98–20–13] (RIN: 2120–AA64) received September 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11356. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airspace Designations; Incorporation By Reference

[Docket No. 29334; Amendment No. 71–30] received September 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11357. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Rolls-Royce, plc RB211 Trent 800 Series Turbofan Engines [Docket No. 98–ANE–33–AD; Amendment 39–10762; AD 98–18–21] (RIN: 2120–AA64) received September 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11358. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Transportation And Community And System Preservation Pilot Program——Implementation Of The Transportation Equity Act For The 21st Century [FHWA Docket No. FHWA–98–4370] received September 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11359. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Special Local Regulations: 2nd Annual Hobbs Island Regatta, Tennessee River mile 333.5 to 336.5, Huntsville, Alabama [CGD08–98–060] (RIN: 2115–AE46) received September 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11360. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Safety Zone: World Yacht Cruises Fireworks, New York Harbor, Upper Bay [CGD01–98–144] (RIN: 2115–AA97) received September 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11361. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Special Local Regulations; Around Alone Sailboat Race, Charleston, SC [CGD07–98–008] (RIN: 2115–AE46) received September 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11362. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Drawbridge Operating Regulation; Portage Bayou, Tchoutacabouffa and Wolf Rivers, MS [CGD08–98–055] (RIN: 2115–AE47) received September 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11363. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Aerospatiale Model ATR72–212A Series Airplanes [Docket No. 98–NM–159–AD; Amendment 39–10756; AD 98–19–16] (RIN: 2120–AA64) received September 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11364. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Bombardier Model CL–215–6B11 (CL–415 Variant) Series Airplanes [Docket No. 98–NM–03–AD; Amendment 39–10487] (RIN: 2120–AA64) received September 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11365. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Establishment of Class E Airspace; Willits, CA [Airspace Docket No. 96–AWP–26] received September 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11366. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Establishment of Class E Airspace; Crosby, ND [Airspace Docket No. 98–AGL–42] received September 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11367. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Realignment of VOR Federal Airway V–485; San Jose, CA [Airspace Docket No. 95–AWP–6] (RIN: 2120–AA66) received September 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11368. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 727 and Model 737 Series Airplanes Equipped with J.C. Carter Company Fuel Valve Actuators [Docket No. 96–NM–31–AD; Amendment 39–10736; AD 98–18–20] (RIN: 2120–AA64) received September 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11369. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Rolls-Royce, plc RB211 Trent 700 Series Turbofan Engines [Docket No. 98–ANE–10–AD; Amendment 39–10754; AD 98–19–12] (RIN: 2120–AA64) received September 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11370. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Rolls-Royce Limited, Aero Division-Bristol/S.N.E.C.M A. Olympus 593 Series Turbojet Engines [Docket No. 98–ANE–07–AD; Amendment 39–10753; AD 98–19–11] (RIN: 2120–AA64) received September 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11371. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Saab Model SAAB 2000 Series Airplanes [Docket No. 98–NM–42–AD; Amendment 39–10760; AD 98–19–19] (RIN: 2120–AA64) received September 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11372. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airspace and Flight Operations Requirements for the Kodak Albuquerque International Balloon Fiesta; Albuquerque, NM [Docket No. 2979; SFAR No. 83] (RIN: 2120–AG61) received September 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11373. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Modification to the Gulf of Mexico Low Offshore Airspace Area [Airspace Docket No. 97–ASW–23] received September 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11374. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Revision of Class D Airspace; San Diego-Gillespie Field, CA [Airspace Docket No. 98–AWP–21] received September 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11375. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; British Aerospace (Jetstream) Model 4101 Airplanes [Docket No. 98–NM–152–AD; Amendment 39–10774; AD 98–20–07] (RIN: 2120–AA64) received September 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11376. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Airbus Model A310 and A300–600 Series Airplanes [Docket No. 97–NM–310–AD; Amendment 39–10771; AD 98–20–05] (RIN: 2120–AA64) received September 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11377. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Saab Model SAAB 2000 Series Airplanes [Docket No. 98–NM–63–AD; Amendment 39–10768; AD 98–20–02] (RIN: 2120–AA64) received September 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11378. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Aerospatiale Model ATR42 Series Airplanes [Docket No. 98–NM–44–AD; Amendment 39–10772; AD 98–20–06] (RIN: 2120–AA64) received September 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11379. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Fokker Model F.28 Mark 1000, 2000, 3000, and 4000 Series Airplanes [Docket No. 98–NM–28–AD; Amendment 39–10769; AD 98–20–03] (RIN: 2120–AA64) received September 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11380. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Airbus Model A319, A320, and A321 Series Airplanes [Docket No. 98–NM–15–AD; Amendment 39–10770; AD 98–20–04] (RIN 2120–AA64) received September 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11381. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; McDonnell Douglas Model DC–9–80 Series Airplanes Equipped with Heath Tecna Aerospace Extended Spacial Concept Interior III Installed in Accordance with Supplemental Type Certificate SA4744NM [Docket No. 96–NM–270–AD; Amendment 39–10787; AD 98–20–21] (RIN: 2120–AA64) received September 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11382. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Bombardier Model DHC–8–100, -200, and -300 Series Airplanes [Docket No. 98–NM–14–AD; Amendment 39–10789; AD 98–20–23] (RIN: 2120–AA64) received September 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11383. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Airbus Model A300, A310, and A300–600 Series Airplanes [Docket No. 97–NM–307–AD; Amendment 39–10788; AD 98–20–22] (RIN: 2120–AA64) received September 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11384. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 747–100 Series Airplanes [Docket No. 98–NM–256–AD; Amendment 39–10791; AD 98–20–25] (RIN: 2120–AA64) received September 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11385. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Airbus Model A320–111, -211, and -231 Series Airplanes [Docket No. 98–NM–20–AD; Amendment 39–10792; AD 98–20–26] (RIN: 2120–AA64) received September 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11386. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Dornier Model 328–100 Series Airplanes [Docket No. 98–NM–96–AD; Amendment 39–10790; AD 98–20–24] (RIN: 2120–AA64) received September 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII,

Mr. GILMAN (for himself and Mr. COX of California) introduced a bill (H.R. 4655) to establish a program to support a transition to democracy in Iraq; which was referred to the Committee on International Relations.

ADDITIONAL SPONSORS

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

H.R. 864: Ms. DANNER, Mr. GEJDENSON, Mr. CALVERT, and Mr. FOLEY.

H.R. 4374: Mr. ABERCROMBIE, Mr. FILNER, Mr. FROST, Mr. REYES, Mr. KUCINICH, Mr. PETRI, and Mr. NEY.

H.R. 4449: Mr. REGULA, Mr. ADERHOLD, Mr. BISHOP, and Mr. BOEHLERT.

H. Con. Res. 279: Mr. ETHERIDGE, Ms. CARSON, Mr. CONYERS, Ms. LOFGREN, Mr. TORRES, Mr. HILLIARD, Ms. HOOLEY of Oregon, Mr. FILNER, Mr. FROST, and Mr. UNDERWOOD.

United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 105th CONGRESS, SECOND SESSION

Vol. 144 WASHINGTON, TUESDAY, SEPTEMBER 29, 1998 No. 133

Senate

The Senate met at 10 a.m. and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

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

Dear God, our Father, the true Source of stability in stress, we claim Isaiah's promise, that Your wisdom and knowledge will be the stability of our times.—Isaiah 33:6. Your faithfulness is our foundation as we begin this new day; You will guide and strengthen us each step of the way. Quiet our turbulent, anxious hearts so we can hear the guidance You want to impart. Fill us with profound inner peace so we may be still until we are sure of Your will.

Give us tough faith for troubled times that is rooted in confidence that You will help us untangle knotty problems, change difficult situations, and deal with troublesome pressures. We admit our need for You; we submit to direction from You; and we commit our lives to serve You. In the Name of our Lord and Savior. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

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

THE PRAYER

Mr. JEFFORDS. Mr. President, first, let me thank the Chaplain for a powerful and an appropriate prayer.

SCHEDULE

Mr. JEFFORDS. This morning there will be a period of debate until approximately 10:40 a.m. in relation to the higher education and Department of Defense conference reports. At the conclusion of that debate time, the Senate will proceed to three stacked votes, the first on adoption of the higher education conference report, followed by a vote on the adoption of the Defense Appropriations conference report, followed by a cloture vote on the motion to proceed to the Internet tax bill.

Following these votes, the Senate will begin a period of morning business until 12:30 p.m. and then recess until 2:15 p.m. to allow the weekly party caucuses to meet. After the caucus meetings, the Senate will resume morning business until 3:15 p.m., at which time the Senate could consider any legislative or executive items cleared for action.

The leader reminds all Members that there will be no votes this afternoon and all day Wednesday in observance of the Jewish holiday.

I thank my colleagues for their attention.

MEASURE PLACED ON CALENDAR—H.R. 4579

Mr. JEFFORDS. Mr. President, there is a bill at the desk that is due for its second reading.

The PRESIDING OFFICER (Mr. GORTON). The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 4579) to provide tax relief for individuals, families, and farming and other small businesses, to provide tax incentives for education, to extend certain expiring provisions, to amend the Social Security Act to establish the Protect Social Security Account into which the Secretary of the Treasury shall deposit budget surpluses until a reform measure is enacted to ensure the long-term solvency of the GASDI trust funds, and for other purposes.

Mr. JEFFORDS. I would object to further proceedings on the measure at this time.

The PRESIDING OFFICER. The bill will be placed on the calendar.

HIGHER EDUCATION AMENDMENTS OF 1998—CONFERENCE REPORT

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to the consideration of the conference report accompanying H.R. 6, which the clerk will report.

The legislative clerk read as follows:

The committee on conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 6) have agreed to recommend and do recommend to their respective Houses this report, signed by a majority of the conferees.

The PRESIDING OFFICER. The Senate will proceed to the consideration of the conference report.

(The conference report is printed in the House proceedings of the RECORD of September 25, 1998.)

The PRESIDING OFFICER. Time for debate on the conference report is limited to 30 minutes equally divided.

The Senator from Vermont is recognized.

PRIVILEGE OF THE FLOOR

Mr. JEFFORDS. Mr. President, I ask unanimous consent that Pam Moran, a fellow with the Committee on Labor and Human Resources, be allowed the privileges of the floor during consideration of the conference report accompanying H.R. 6, the Higher Education Amendments of 1998.

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

Mr. JEFFORDS. Mr. President, I think all you need to do is take a look at the conference report as it sits on the desk to understand the amount of work that has gone into this bill. This is an extremely important bill, and I am extremely pleased that the Senate is on the verge of sending to the President the Higher Education Amendments of 1998.

Today marks the culmination of 18 months of hard work that, for me, began with the Labor Committee's hearing in Burlington, Vermont last February.

The Higher Education Act is among the most significant statutes under the jurisdiction of the Committee on Labor and Human Resources. Since its inception in 1965, the Act has been focused

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

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on enhancing the opportunities of students to pursue postsecondary education. The grant, loan, and work study assistance made available by this Act has made the difference for countless millions in pursuing their dreams for a better life. The legislation we are considering today builds on the proud legacy of this Act.

In the face of rising college costs, Congress will provide students with the lowest cost loans in nearly two decades. With increasing concern about the quality of our nation's teachers, this bill will take giant steps in improving teacher preparation. And with students, parents, and—frankly—Senators concerned about the delivery of student aid, this bill completely overhauls the federal role by placing it in the hands of a professional and accountable agency within the Department of Education.

Getting to this point has been a challenging, but rewarding, journey. The process in both the House and Senate has been characterized by a spirit of bipartisanship, with members sharing the basic objective of making higher education programs work better for students and their families. I commend the work of the chairman of the House Committee on Education and the Workforce, Representative BILL GOODLING, and the committee's ranking member Representative BILL CLAY. The House subcommittee leadership, Representative BUCK MCKEON, and ranking member Representative DALE KILDEE have also done a yeoman's job throughout the process.

I would also like to acknowledge in particular the contributions of the labor committee's ranking minority member, Senator KENNEDY, and the efforts of Senator COATS and of Senator DODD. From the beginning, these three members have been steadfast in their commitment to work through differences and to craft a solid piece of legislation.

At the start of the reauthorization process, we set out to achieve a number of important goals designed to strengthen higher education programs. I am pleased to say that this conference report achieves the major objectives identified at the beginning of our efforts: to assist students, to improve the quality of teaching, to maintain two viable loan programs, and to improve the delivery of student financial aid.

First, the final bill preserves the focus on students—who are the primary reason we have a Higher Education Act in the first place. Students now in school will be assured of receiving the lowest interest rate in nearly two decades on their loans.

Students now in high school who aspire to a college education will benefit from an expanded early intervention program known as GEAR UP, as well as continuing to receive services from the time-tested and highly regarded TRIO programs. The new GEAR UP program combines features of the existing National Early Intervention Scholarship Program, which I sponsored in 1992, with recommendations proposed by the Administration and included in the House bill. The GEAR UP program preserves the best features of the program now operating successfully in 9 states, while expanding the pool of participants and approaches involved in early intervention.

Students who have graduated and are faced with exceptionally high loan burdens will be able to take advantage of extended repayment options under the guaranteed loan program. In addition, the measure provides a four-month window within which students may obtain Direct consolidation loans at an interest rate set at the 91-day Treasury bill rate plus 2.3 percent.

Recognizing the toll which ever increasing colleges costs are placing on students, the bill builds on recommendations of the National Commission on the Cost of Higher Education so that students and their families can obtain useful cost information.

Second, perhaps the most exciting and far-reaching innovation in this legislation is its provisions dealing with teacher preparation. Numerous small, categorical—and unfunded—teacher training programs are repealed and replaced with a comprehensive model for change and improvement. The teacher quality provisions included in Title II of H.R. 6 are an important first step towards really improving teacher training. Working at both the state level to promote system-wide reforms and at the local level to develop partnerships to enhance the quality of teacher training, the bill offers a comprehensive and systematic approach to this pressing national need.

At its foundation, these provisions embrace the notion that investing in the preparation of our nation's teachers is a good one. Well prepared teachers play a key role in making it possible for our students to achieve the standards required to assure both their own well being and the ability of our country to compete internationally. In fact, the continued health and strength of our nation depends on our country's ability to improve the education of our young people. Integral to that is the strength and ability of our nation's teaching force. Without a strong, competent, well prepared teaching force, other investments in education will be of little value. I think these provisions will be viewed as one of the lasting achievements of this reauthorization.

In addition, the legislation provides loan forgiveness for students who go into teaching. It is my hope that this new benefit will expand the number of talented teachers serving school districts with large numbers of low-income children.

Third, this bill reflects a strong commitment to the maintenance of two viable loan programs—the guaranteed or Federal Family Education Loan Program (FFELP) and the Direct Loan Program. To the extent possible within budgetary constraints, the bill ''levels the playing field'' to assure the continuation of fair and healthy competition between the two programs. This bill extends the provisions of the Emergency Student Loan Consolidation Act of 1997 which permit Direct loans to be included in FFELP consolidation packages. Following a four-month period (October 1, 1998, to January 31, 1999) in which Direct consolidation loans will be set at the 91-day Treasury bill rate plus 2.3 percent, Direct and FFELP consolidation loans will carry the same interest rate. That rate will be the weighted average of the loans consolidated, rounded up to the nearly one-eighth of a percent and capped at 8.25 percent.

Among the most challenging tasks facing the committee was developing a student loan interest rate which could offer the lowest viable interest to students while assuring sufficient lender participation to preserve full access to loans. After extensive consultation with students, lenders, representatives of the higher education community, the administration and financial services experts, a compromise interest rate package was developed. Lender yield is reduced by 30 basis points, while students receive the significant interest rate reduction they have anticipated. This solution is by no means perfect, but it promises to preserve the stability of the FFEL program for the nearly 4 million students and their families who depend upon these loans each year.

Fourth, the legislation includes a number of initiatives designed to improve the delivery of student financial aid services. It includes a new guaranty agency financing model—the goal of which is to achieve cost savings and efficiencies in the delivery and administration of student aid while ensuring that students, lenders, the Federal government, and institutions of higher education receive high quality service. Additional efforts to improve the delivery of student aid programs include the development of a Performance Based Organization (PBO) to strengthen the management of key systems within the Department of Education. A number of provisions in the legislation also pave the way toward taking advantage of the efficiencies made possible through electronic processing and other technological advances.

Looking toward the future, the bill contains several provisions dealing with the Year 2000 computer problem. The Office of Management and Budget has raised serious questions about the Department of Education's ability to meet the timetable outlined by the General Accounting Office for the testing of software renovation work. Failure to renovate all mission critical systems could result in disruptions in the management and delivery of student financial aid to more than 8 million students. This is an area which the committee will be following closely in the months ahead.

Finally, I would point out that this legislation complies with the Budget Act. In order to bring the bill into balance, the conferees had to make a number of difficult decisions. In making these decisions, we attempted to select options which would maintain the lowest possible interest rates for students and which would preserve new student benefits such as extended repayment options under the guaranteed loan program and teacher loan forgiveness. I recognize that particular concern has been raised about provisions in the bill which eliminate a provision of the bankruptcy law that permits individuals filing for bankruptcy to have their student loans canceled if the loans have been in repayment for seven years or longer. Individuals who file for bankruptcy may still have their student loans canceled if the bankruptcy court determines that repaying the loans would cause undue hardship. Currently, the undue hardship option accounts for 70 percent of all student loan discharges. In addition, a number of options are available to assist borrowers who are having difficulties repaying their loans, including deferment, forbearance, cancellation and extended, graduated, income-contingent and income-sensitive repayment options. In just about every case, these options are preferable to declaring bankruptcy.

Over the years, the federal effort in higher education has been substantial, and this legislation will assure that it will continue to be so. The Higher Education Act currently provides $48.5 billion in student financial assistance for 8.5 million students and $216 million for institutional development. In 1995–96, 55 percent of undergraduate students received financial aid under this Act. Over the next ten years, the Federal government will guarantee over 88 million student loans—totaling over $383.5 billion. Over the next five years, the Federal government will provide more than 25.4 million Pell Grants.

As I said before, Mr. President, this conference report to the Higher Education Amendments of 1998 is the culmination of almost two years of good bipartisan work. Not only does it represent a huge victory for America's students, but it represents a victory for all Americans as it shows that Democrats and Republicans can work together when it comes to the needs of our next generation. This legislation gives millions of students the financial key to unlock the door to higher education. By lowering the interest rate for student loans to the lowest levels in nearly 20 years and by increasing the level of Pell grants, we are allowing higher-learning to mean higher-earnings for more of our children. Vermont has a proud tradition when it comes to higher education in the United States Senate, from Bob Stafford to Justin Smith Morrill. I can only hope that, with the passage of this legislation, I will have helped continue that tradition.

By increasing the access and quality of higher education, this bill will help ensure that our nation remains a leader in educational excellence for all of our citizens. It deserves the support of all members of the Senate.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, as I understand it we have 15 minutes; is that correct?

The PRESIDING OFFICER. That is correct.

Mr. KENNEDY. I yield 4 minutes to the Senator from Connecticut, 4 minutes to the Senator from Rhode Island, and I will yield myself, now, 4 minutes.

Mr. President, I want first of all to express my appreciation to my friend and colleague from Vermont, Senator JEFFORDS, for his leadership in this area. It follows a long tradition of Vermont Senators being committed to education policy. Senator Stafford, a long-time friend, was strongly committed to education. At a time when there are differences that are all too obvious between the two political parties, Senator JEFFORDS constancy and commitment in the area of higher education, I think, have been very, very impressive. All of us have enjoyed the opportunity to work with him.

I commend my friend and colleague, Senator DODD, who has been extremely active and involved in the workings of the higher education legislation, both in the committee and the conference, and has been a key player in his involvement and commitment in higher education.

I see, as well, my friend Senator REED, who has a particular interest in teacher training programs and has a long tradition, with Senator Pell of Rhode Island, and also in the House, of commitment to higher education. We have a number of others who I will describe in greater detail as time permits, but I am particularly appreciative of my colleagues' strong support.

The Education Act of 1998 is a strong and bipartisan bill that deserves the support of all Members. It renews our commitment to make higher education more affordable and more accessible to qualified students. The House and Senate passed the original versions of the bill almost unanimously, and the conference report preserves most of the best features of both bills. It enhances benefits for students, particularly for students who want to be teachers. It increases the maximum authorization for the Pell grants for the neediest students and expands the formula for calculating their financial need in order to protect a larger amount of income for working parents and students with greater opportunity for eligibility for those Pell grants.

The bill also reduces the cost of Pell grants by almost 1 percentage point. This reduction can make a significant difference for students who may face a mountain of debt when they graduate. This change will result in savings of $700 on the average debt of $13,000, and savings of over $1,000 on a debt of $20,000, which is enormously important to make these loans—and college—accessible for the sons and daughters of working families.

I am disappointed, however, we could not extend this benefit to all recent graduates. Under the bill, the rates for consolidation loans will be permanently lowered in both programs from their previous statutory rates. The bill does create a short time window for recent graduates to consolidate their existing loans under the Direct Lending Program at the same low rates applicable for new loans. This opportunity will be available for another 4 months in addition to the 3-month window already in effect, so the students will have a total of 7 months to consolidate their loans. Many of us would have liked to have had a longer period of time, but budgetary restraints constricted us. I think it is going to be enormously important that students and their parents look into the consolidations that can save them a great deal of money.

One of the key features of the bill is improving the training of teachers. The legislation supports local partnerships that include elementary-secondary schools and colleges and provides competitive grants to States. This assistance is urgently needed to strengthen teacher training. If we are to find an area of greatest need, probably in our whole education system, it is putting a well-qualified teacher in every classroom in this country.

Mr. President, I reserve the remainder of my time and I yield 4 minutes to the Senator from Connecticut.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, I thank my colleague from Massachusetts.

Let me quickly join with those who will commend our colleagues from Vermont and Massachusetts, the chair and the ranking member of the full committee, for their terrific work. I also want to thank our colleague from Indiana, Senator COATS, and others, whom the chairman of the committee put together to work on this bill as sort of a working group on higher education. Certainly without their efforts we would not be at the point we are today in proposing what I think is a good bill.

You can ask families all over this country what concerns them the most. And the answer, time and time again, is education—particularly higher education. Families know that there is little as important to their children's lifelong success as achievement in post-secondary education.

And families today are worried about higher education. They worry about its cost—which is growing in many instances at outrageous levels. They worry that too many students give up the dream of college long before graduation from high school. And they worry that colleges are not keeping up

and educating their children for the next century.

These are fundamental concerns and they have been the driving force behind this strong legislation. For two years, I have been working with Senator KENNEDY, Senator JEFFORDS, Senator COATS and the other members of the Labor and Human Resources Committee, and, in the past few months with the House Education and Workforce Committee, to complete this important bill. And I think our bipartisan efforts have helped produce a bill that will help America's students and families.

It is a bill that, frankly, I think could have been better—but I believe that we have done a good job with the realities that we face.

This bill does four things that I think are commendable. One, it addresses the issues of college costs head-on—really for the first time in my memory here that we address this issue. Many of my colleagues may not be aware that over the past 20 years the cost of college has gone up 304 percent as compared to every other area of our economy where inflation has risen about 165 percent. So we are looking at a tremendous increase in college costs for families all across this Nation.

For the first time, this bill will ensure that families have access to comprehensive, comparable information on cost. I am particularly pleased that these disclosure provisions will be enforced by the Secretary with the strong fine that I authored in the Senate bill. We also authorize a follow-up study on why costs are escalating, as recommended by the Cost of College Commission, and we direct the Bureau of Labor Statistics to develop a market-basket for higher education so that we finally have a workable yardstick with which to judge college costs.

I think that is a critical issue. Every year we see these costs go up, parents legitimately ask the question why. And while individual institutions can give some reasons, I think we need to get a better handle on that. The provisions in this bill are simply a first step and a warning to colleges: We are serious about this effort and will no longer sit idly by while costs increase far faster than inflation.

Second, the bill goes right to the heart of the student aid issue. We provide students with significantly improved loan rates, with a reduction in interest of nearly one percent. As a result of lowering the loan rates, students in my State could save as much as $650 a year. That may not seem like a lot to some, but to middle-income families in my State that kind of a savings can make a huge, huge difference.

I would also point out this bill, of course, raises the maximum amount that can be received under a Pell grant to $4,500. That makes a huge difference, again, for families that fall within the category of receiving that kind of assistance. So we really reach right out to those families with this bill and make a difference for them.

We also afford students with the largest loans new repayment options that will allow them to extend the time of repayment. And we provide new teachers serving in needy districts with loan forgiveness.

Third, we finally really understand the role here of the nontraditional student, which is critically important. The nontraditional student, candidly, is becoming the traditional student. The traditional student is the one who goes to college for 3 or 4 years without interruption. Today, more and more students are ones who work, who take a year off from studies while they work to save money to pay for the next year of education. People need education throughout their lives, so they go back to school. This bill really reaches into that community and provides some wonderful opportunities, including things like distance learning.

Senator KENNEDY of Massachusetts has for years talked about the importance of providing educational opportunity for people who do not have the time or the resources to go to a traditional setting but can, through distance learning, acquire the knowledge and skills necessary to improve not only the quality of their lives, but the quality of all of our lives through enhanced educational opportunity.

This bill would also help the non-traditional student through the high-quality, affordable campus-based child care programs for low-income students which I offered.

Last, beyond meeting the fundamental concerns of students, this bill will strengthen our educational institutions themselves. This bill fundamentally restructures federal support for teacher training and focuses support on high quality reforms that bring and keep excellent teachers in our classrooms. Plus, we restructured and improved federal support for developing institutions, like community colleges and colleges serving at-risk minority populations.

I am disappointed we did not include the Wellstone amendment on TANF eligibility for those pursuing post-secondary education. It is clear that education is the best long term solution to ending welfare dependency, but we were frankly unable to move the House conferees on this issue. I want to continue to work to move this initiative forward and pledge to work with Senator WELLSTONE to identify other legislative vehicles for this important reform. I was also disappointed that we were forced to adopt two provisions—eliminating the bankruptcy discharge of student loans after seven years of repayment and increasing the fee on Ginnie Mae loans—outside of our committee's jurisdiction to ensure that this bill was budget neutral.

Again, I admit that this legislation is not perfect. But on the whole, I think that this is a very good bill that will help American students and families, and it is evidence of what we are capable of doing when we all work together.

I ask unanimous consent the list of staff, key staff people who worked on this bill, be printed in the RECORD.

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

Senator Jeffords' staff: Susan Hattan, Scott Giles, and Jenny Smulson.

Senator Kennedy's staff: Marianna Pierce and Jane Oates.

Senator Coats' staff: Townsend Lange.

Senator Dodd's staff: Suzanne Day.

Mr. KENNEDY. I yield 4 minutes to the Senator from Rhode Island.

The PRESIDING OFFICER. The Senator from Rhode Island has 4 minutes.

Mr. REED. Mr. President, I first want to thank Senator KENNEDY for yielding me time and I add my commendation along with that of my colleagues to both Senator JEFFORDS and Senator KENNEDY for the remarkable work they have done. This has been a long process, but it has been one that has been very positive, collaborative, and collegial. Senator JEFFORDS and Senator KENNEDY have been very supportive of efforts by all the members of the committee and Members of this Senate to incorporate, to improve, and to bring forth today legislation of which I think we can all be proud.

This legislation does so much to improve the quality of educational opportunity in the United States. One of the keys to our country, not just its economic prowess but its social progress, is the ability of all of our citizens to go on to higher education. This bill will advance that goal significantly. I applaud all of those who participated in this process.

As my colleagues have mentioned, there are many important aspects of this legislation that should be noted. First of all, there is an increase in the authorization of the Pell grant, which will allow, particularly many low-income students, further access to higher education. There is a reduction in the interest rates which students will pay on loans, which will help them bear the burden of the ever-increasing cost of college. There is loan forgiveness for teachers, a revamping of our early intervention efforts, and a strengthening of the TRIO Program, which is a very important program that targets low-income students who will be the first in their family to attend college. Without TRIO, these students may not have the guidance, the information, and the support to make it into and stay in college. Also, there has been some significant effort to begin to address cost issues with respect to college education.

All of these are commendable, but there are two very important issues which I would like to stress. First, this Senate last year restored the State Student Incentive Grant Program, a very important program which takes limited Federal resources, matches them with State dollars, and provides grants to needy undergraduate and graduate students. The Conference Report contains legislation I introduced

with Senator COLLINS to reform this program. It is now the LEAP Program, the Leveraging Educational Assistance Partnership Program. This revamped program will be a continuation and a strengthening of our commitment to ensure that all Americans have access to quality higher education.

Also, there is a very, very strong teacher training title in this bill. Again, I thank both Senator JEFFORDS and Senator KENNEDY for their efforts in this regard. We built on legislation I proposed, and we created a situation in which now there will be incentives for teacher colleges to have active partnerships with elementary and secondary schools.

We are trying to move in a direction of more clinical training for teachers. One of the sad commentaries I have heard—and I am sure my colleagues have also—is that for so many teachers, on the first day of school, it is practically their first day in a classroom as a teacher. This should change. This approach of partnerships between higher education institutions and elementary and secondary schools, particularly one partnership model known as professional development schools, is a positive way to increase the professional development of our teachers, which could be the single most important factor in improving and reforming education in the United States today.

This legislation is not perfect, but it is a remarkable achievement based upon cooperation and a collegial approach to this issue.

I commend and thank my colleagues, particularly the chairman, Senator JEFFORDS, and the ranking member, Senator KENNEDY, for all of their work. I look forward to the speedy acceptance of this conference report.

I yield back my time to the Senator from Massachusetts.

INCLUSION OF THE FACULTY RETIREMENT INCENTIVE PROVISION

Mr. MOYNIHAN. Mr. President, I would like to bring to the attention of my colleagues a small, but important, provision included in the reauthorization of the Higher Education Act. Title IX clarifies existing law by making it permissible for colleges and universities to offer voluntary, age-based retirement incentives to tenured faculty in addition to their regular retirement benefits.

The inclusion of the Faculty Retirement Incentive Act in the Reauthorization of the Higher Education Act will provide a ''safe harbor'' for colleges and universities by clarifying that the early retirement incentives are permitted by the Age Discrimination in Employment Act. The faculty retirement incentive provision will benefit colleges and universities, as well as those faculty who choose to participate. As officials for the American Association of University Professors have stated, this provision will ''provide greater flexibility in faculty retirement planning, offer a substantial retirement benefit to those professors who choose to retire under the terms of an incentive plan, and leave other professors whole in their choice to continue their careers.''

At the beginning of the 105th Congress, Senator ASHCROFT and I introduced legislation similar to the age-based retirement incentives language the House included in its Higher Education reauthorization bill. I was very pleased to learn of the diligent effort of those on the House Education and Work Force Committee to add this provision to their bill.

I thank the members of the Senate Labor and Human Resources Committee for working with Senator ASHCROFT and me on this issue. I especially thank Chairman JEFFORDS and Senator KENNEDY for their thoughtful consideration of this measure and for allowing it to remain in the bill during conference. Lastly, I express my appreciation to Senator ASHCROFT for working closely with me on getting the Faculty Retirement Incentive bill into law.

Mr. HARKIN. Mr. President, few individual pieces of legislation embody the spirit of the American dream as does the Higher Education Act. First passed in 1965, this legislation opened the doors of college and a more prosperous future to millions of students. Without federal college grants and loans, most Americans would not be able to get the postsecondary education that is essential in today's competitive international economy.

The pending legislation—the Higher Education Amendments of 1998—strengthens our nation's commitment to a higher education and I am pleased to support this important piece of legislation. I congratulate Senators JEFFORDS, COATS, KENNEDY, and DODD for crafting a genuinely bipartisan bill. I appreciate their leadership and commitment to ensuring access to college for millions of Americans.

My colleagues have extolled the many fine features of this legislation—lower interest rates for students, improved teacher preparation programs and a modernization of the system for delivering student aid. I am in full agreement on the positive aspects of this legislation.

However, as we all know, legislation involves many compromises and I would feel remiss if I did not also express my disappointment about two provisions in the legislation.

We are all acutely aware of the soaring debt accumulated by U.S. students. The reduction in the interest rate by nearly eight tenths of a point, will provide critical relief to students. As a result, they will save hundreds of dollars.

The bill also allows individuals to refinance outstanding loans at a lower interest rate by extending the current interest rate on direct loans for four more months. Thereafter, the interest rate on consolidation loans will increase to the weighted average of the outstanding loans with a cap of 8.25%. The conferees rejected attempts to provide a longer period for consolidation at the lower interest rate with means that many students will be unable to refinance their loans to get more favorable rates.

Modest cuts in the generous subsidies to lenders and guarantee agencies would have enabled us to provide a longer window for consolidation. It is my sincere hope that we will continue to work together to extent this important benefit to make it easier for individuals to pay off their students loans.

Secondly, to pay for a lender subsidy for students, the legislation increased the fee that FHA mortgage borrowers will pay to Ginnie Mae in the future from 6 to 9 basis points. If not overturned at a later point, this provision will cost hundreds of extra dollars to modest income homebuyers in order to acquire a mortgage. Clearly, Ginnie Mae which makes insures the mortgages does not need the funding. This is a straightforward tax on modest income homebuyers, often making $25,000 to $40,000 per year inserted into this measure. The conferees may talk about their hope that the 3 basis points will be absorbed by mortgage bankers. But, given that competitive market, most of that cost will be passed on. I will work to overturn this inappropriate source of funds.

Even though I have reservations about some provisions in this legislation, I believe it is a strong bill and worthy of our support. The bill strengthens Federal student aid programs for the future, and I urge my colleagues to support the Higher Education Amendments of 1998.

Mr. TORRICELLI. Mr. President, I rise today to offer my appreciation to my colleagues on the Labor Committee for their hard work on the Higher Education Reauthorization Act of 1998. I am especially grateful to the Chairman and Ranking Member, Senator JEFFORDS and Senator KENNEDY, for their inclusion of two provisions I authored which are critical to the people of this Nation and of my state of New Jersey.

The first addresses the issue of campus safety. Mr. President, every year, over 10 million students and their parents agonize over where to attend college. They spend months researching schools and visiting campuses in an effort to find the perfect fit. Just as information is the key to making an informed choice about professors or scholarships, it is the key to choosing a safe learning environment. Currently, students and their parents do not have access to all the information.

Current law requires colleges and universities to report statistics on crimes that occur on their campuses. Reports of hate crimes, however, is limited to only those that result in murder, rape, or aggravated assault. This is the law notwithstanding the fact that these 3 categories of crimes only represent 16 percent of the total number of hate crimes that occur on college campuses every year. Over 80% take the form of other crimes, including simple assault and robbery.

An amendment I offered, which is now part of the Higher Education Act, will ensure that students and their parents have all the information necessary to choose a safe school. This amendment will require colleges and universities to report all hate crimes that involve either bodily injury or a serious property crime such as burglary or arson. It also expands the definition of a hate crime to protect women and the disabled. Current law only protects against crimes motivated by prejudice based on race, ethnicity, religion, or sexual orientation.

Our children are our future. Their college years are among the most exciting and formative of their lives. Expanding the types of hate crimes colleges and universities must report will empower students and parents with all of the information necessary to ensure that those years are as safe as possible.

I would also like to thank Senators JEFFORDS and KENNEDY for their inclusion of another amendment I authored which will freeze the status of a student reservist's grace period for paying back their education loans until they return from active duty service. All students are permitted a grace period of up to nine months after graduating or withdrawing from class before they must begin to repay their student loans. However, the typical length of active duty service for a reservist is currently 270 days, meaning that a student's grace period has often expired by the time they return home from military service.

We should not welcome our courageous men and women in uniform home from active duty by handing them a bill. Students who serve their country in the armed forces should at least have the peace of mind of knowing that their student loans are not increasing while they are abroad. This provision will provide them with that peace of mind.

For these two provisions and for all their hard work on this very important piece of legislation, I thank Senator JEFFORDS, Senator KENNEDY and all of my colleagues on the Labor Committee.

Mr. SHELBY. Mr. President, I would like to ask the distinguished floor manager of the bill a question.

Mr. JEFFORDS. Certainly, I will be happy to answer my colleague's question.

Mr. SHELBY. Under Title II of the pending legislation, entitled Improving Teacher quality, the Secretary of Education is authorized to make teacher training partnership grants. These partnerships may include non-profit education organizations, businesses and teacher organizations.

Mr. JEFFORDS. That is correct. The effort is to bring a broad range of opportunities to teacher preparedness and training.

Mr. SHELBY. I know that the Senator from Vermont is quite familiar with the work of the State Humanities Councils and he is aware of the extensive number of teacher institutes which they have supported over the past few years. In Virginia, for example, the council has sponsored teacher institutes on local and regional history. The Alabama Humanities Foundation's SUPER (School and University Partners for Educational Renewal) reached more than 800 Alabama teachers over a two year period.

Mr. JEFFORDS. Yes, I am well aware of the efforts of the state councils with respect to teacher institutes. Many of the Councils have worked closely with the school systems and local colleges and universities to present relevant and cost-effective teacher institutes. They have a long history in this effort and considerable experience.

Mr. SHELBY. I agree. Consequently, I simply wanted to make certain that state councils, which are non-profit entities, would qualify for participation in the teacher training partnerships.

Mr. JEFFORDS. I think they would certainly qualify and I would urge them to participate whenever they can.

Mr. SHELBY. I thank the chairman of the committee and I appreciate his response.

Mr. KERREY. Mr. President, I rise in support of H.R. 6, the Higher Education Amendments of 1998. As our economy becomes increasingly knowledge-based, this legislation represents an important step in helping individuals achieve the American Dream.

A college degree expands learning horizons and increases professional opportunities. One of the most satisfying efforts we can make as public officials and legislators is helping Americans acquire the knowledge and skills needed to seize these opportunities. This bipartisan conference agreement makes important strides both in improving the education students receive within colleges and universities and in increasing access to higher education.

Nationwide we have about 10 million students enrolled in four-year and two-year public colleges and universities. About 83,000 of those students are in school in Nebraska. We have about 2.5 million in private institutions—19,000 in Nebraska. This legislation helps those students stay in college and also opens the door for more students to obtain a college degree.

Approximately $50 billion in this bill is devoted to postsecondary grants and loans for students. This is a wise investment for all Americans because this financial assistance to obtain higher education helps individuals increase their earning power once they graduate. When we increase the income of Americans, we reduce spending and in turn reduce the tax burden on our citizens.

According to the US Census, college graduates make an average of $600,000 more over their lifetime than do individuals without a college degree. That differential has doubled in the last 15 years.

An individual with a bachelors degree can expect to earn $1.4 million over the course of a lifetime. With a professional degree, that person can earn over $3 million in a lifetime.

But currently, only 60% of high school graduates go on to college, and by the time they are 25 years old, only about 25% have a college degree. We need to focus more attention on those students who do not enroll in four-year institutions. For those students we need to create a more seamless transition from high school to the workplace, and we need to encourage those students to take advantage of the opportunities that community colleges offer.

For those students who choose to seek a college degree, this legislation helps to make college more affordable. For instance, it cuts the student loan interest rate from 8.25% to 7.46%, which will save approximately $11 billion for students over the life of their loans. In addition it increases aid to the neediest of students by increasing the authorization for maximum Pell Grants to $4,500 for 1999–2000. We still have much work to do as we try to figure out how to make higher education more affordable, but this bill is a step in the right direction.

The bill also authorizes $300 million to make significant improvements in teacher training. It establishes grants to partnerships between teacher education institutions and school districts to produce highly skilled teachers who are competent not only in their content area but also in the use of technology. It also encourages partnerships that recruit and train teachers to serve in high-need schools. In addition, it supports state-level efforts to improve teacher quality through State Teacher Quality Enhancement grants, which strengthen teacher certification standards and create alternative pathways into the teaching profession.

I am also pleased to contribute personally to this legislation in a number of ways. The bill authorizes a Web-Based Education Commission which will study the issue of quality control in educational software and determine the need for a Federal role in helping parents, students, and teachers identify high-quality educational software.

With Senator WELLSTONE and others, I helped expand student-aid eligibility for distance learning programs so that more non-traditional students will be able to obtain a college degree. We also worked together to achieve a $10 million authorization for Learn Anytime Anywhere Partnerships, which will provide competitive grants to partnerships between schools, community organizations, and other public and private institutions to develop innovative distance education models.

Mr. President, this is a good piece of legislation, and I am happy to be a part of it.

Mrs. FEINSTEIN. Mr. President, I am pleased today to support the conference agreement on H.R. 6, the Higher Education Act bill.

The bill has a number of provisions that will be helpful to my state:

It authorizes $300 million in new initiatives to strengthen teacher training for elementary and secondary.

It continues student loans and increases the maximum authorized Pell grant from $4,500 to $5,800 by 2003 to help low-income students get a college education.

It continues federal support for colleges and universities, such as science and engineering programs and graduate fellowships.

The opportunity to pursue an education, particularly a college education, has long been a hallmark of American society. In California, shifts in the economy make higher education more important than ever. Service-related jobs, such as those in high tech industries, have displaced many traditional manufacturing jobs. These new jobs require a level of knowledge and skill that can for the most part only be gained by a college education.

California has long been a leader in providing a strong higher education system. The University of California (UC) has nine campuses that serve 132,000 students. Total enrollment at UC is projected to grow by about 36,500 students by fall 2006.

The California State University System (CSU) consists of 22 regional campuses with 286,000 students. Enrollment is expected to grow by 31.4 percent or 105,809 students by year 2006.

Another important element of higher education in California is the California community college system, the largest community college system in the world. Its 106 campuses provided vocational, academic, and community service programs to over 1.5 million students of varying ages, income levels and educational backgrounds in 1997. Roughly three of four public postsecondary students were in enrolled in community colleges. The system is expected to increase by 28.9 percent as its attendance is projected to be over 1.8 million by fall 2006.

California faces huge challenges in higher education in the coming years:

First, enrollment in California's public schools, the college generation of the future, is growing at three times the national rate. Enrollment in the three major segments of higher education will increase by 28.9 percent, or by 549,144 students, between 1996 and 2006, according to the state's Department of Finance.

California will have this surge in college applicants because (1) the number of high school graduates has increased by 22 percent since 1993; (2) many adult workers are changing careers by choice because of organization restructuring, or to enhance their employment skills; (3) migration to California from other states and countries is continuing; and (4) more Californians over 40 are pursuing lifelong learning.

Second, California has 21,000 teachers on emergency credentials and will need up to 300,000 new teachers in the next decade.

Third, California has many first generation, bilingual and ''nontraditional'' students. California State University, for example, has a large number of ''nontraditional'' students, students who are older than the usual college age. This is because many community college graduates transfer to CSU and many CSU students are working people seeking to progress professionally or maintain technical proficiency. Similarly, approximately 41 percent of community college students are in the 20–29 age group.

I am pleased that the House-Senate conferees accepted several provisions that I authored to help students and institutions in my state:

First, the 5th year Pell grant: That authorizes the Secretary of Education to award on a case-by-case basis Pell grants for disadvantaged students for the fifth year of teacher education required in California to get a teaching credential. This could enable 12,000 disadvantaged students to become teachers in California, according to the Congressional Budget Office, at a time when we are facing a severe teacher shortage and have 21,000 teachers in the classroom on emergency credentials.

Second, distance learning: The bill also includes two of my amendments to the distance learning demonstration (teaching away from the traditional campus via a computer, teleconferencing or other technologies). The first, clarifies that university ''systems'' (e.g., UC system, CSU system) would be eligible and the bill increases the number of demonstration sites from five to fifteen.

Third, school districts with high numbers of limited English proficient students: The bill authorizes state grants for innovative ways to reduce teacher shortages in high poverty areas. At my suggestion, the bill includes as eligible or target areas, school districts with disproportionate numbers of limited English speaking children. In California, 1.3 million students have limited English proficiency, a tripling since 1986 and at least 87 languages are spoken.

Fourth, study of few borrowers: The bill provides that schools whose student loan default rate exceeds 25% for three years will be ineligible to participate in the student loan program. For schools like California's community colleges, that have just a few borrowers, this method gives the appearance of having a very high default rate. For example, if the school has only four borrowers but two defaulters, they would have a 50 percent default rate. The manager's amendment includes my suggestion of a study of the effectiveness of this measurement method by September 30, 1999.

Student financial aid is essential to enabling millions of students to get a higher education. The California Postsecondary Education Commission estimates that 50–55 percent of students at California's public and private institutions are receiving some form of state, federal or institutional financial assistance. Expenses for tuition and supplies at California's postsecondary institutions, public and private, averaged $19,500 during the 1997–98 school year. Most families have a hard time saving that kind of money.

By continuing federal student grant and loan programs, this bill will continue to open doors to education for many Californians.

The higher education bill is a bipartisan and constructive bill that will help our nation provide a college education to millions of Americans. I hope my colleagues and the President to join me in enacting this important bill.

Mr. DASCHLE. Mr. President, I am pleased to join my colleagues in support of the conference report on the Higher Education Act. This bipartisan legislation takes important steps to lower interest rates on student loans, recruit and train new teachers, and strengthen and preserve the federal commitment to reducing the cost of obtaining a college education. I commend Senator JEFFORDS and Senator KENNEDY for their good work and cooperation on this bill.

The importance of Higher Education Act cannot be understated. In our increasingly sophisticated economy, access to higher education can be the key to a brighter future for many young people. Our federal student aid programs, including Pell grants, student loans, campus-based aid and other programs have helped millions of students afford a college education. Through these programs, we provide $38 billion in financial assistance to more than 19.4 million students in postsecondary education institutions.

The legislation we are sending to the President improves these programs in a number of important ways. The maximum Pell Grant is increased to $4,500 in 1999, stepping up to $5,800 by 2004. Interest rates on student loans are cut from 8.25 percent to 7.46 percent, reducing the total cost to students by $11 billion. Borrowers will also be able to consolidate and refinance their loan balances at the new rate for four months. In addition, the bill creates a new program to provide help to disadvantaged students to make sure they know about higher education opportunities and are in a position to take advantage of them.

Other key aspects of this bill are provisions to improve teacher training and recruitment and to expand professional development opportunities for teachers. Grants will be available to develop partnerships between teaching colleges and school districts to improve teaching skills and integrate technology into the classroom. Support will also be available for partnerships that will recruit and train teachers willing to serve in high-need schools. We know that putting students in a classroom with a well-trained, qualified teacher is one of the most effective ways to help them achieve to the best of their abilities.

I am particularly pleased that the new law will expand opportunities for

distance learning. This will help many people —especially those in rural areas, those with disabilities, and nontraditional students—gain access to programs in which they otherwise might not be able to participate.

The conference report retains a proposal, which I cosponsored, to encourage colleges to establish campus-based child care for low-income students. I also support provisions to help reduce binge-drinking on college campuses and reduce campus crime levels.

Finally, I strongly support the provision creating a new grant program for Tribal Colleges and Universities. These institutions do a remarkable job of creating educational opportunities for Native Americans. They need and deserve federal support. I call on the Appropriations Committee to fund these programs so that Native American students can have access to a higher education to advance their own skills and help their communities address the many challenges that exist today in Indian country.

I also would like to commend the conferees for their efforts to maintain a balance between the Family Federal Education Loan program and the Direct Loan program. There is strong evidence that a healthy competition between these two programs has strengthened both programs and ultimately been good for students, and I believe it is important that we work to maintain this balance.

I am disappointed about several aspects of this bill. It is unfortunate that resources were not available to reduce costs further for students and to extend the period for loan consolidation beyond four months.

I am also disappointed that Senator WELLSTONE's amendment, which would have enabled those receiving Temporary Assistance for Needy Families to attend post-secondary programs for 24 months and meet the work requirement, was not included in the final bill. I believe this proposal should be revisited because of the positive impact higher education degrees have been shown to exert on earnings, on access to health insurance, and on children's achievement levels, and because of the increased flexibility it offers for states. In South Dakota, access to higher education is particularly important on the reservations, where very few low-skill jobs are available. College degrees have empowered Native Americans to assume leadership and professional positions in their own tribes, and have enabled many to escape the path of poverty, lack of education and under-employment that traps too many living on the reservations. I appreciate the conference committee's willingness to give Senator WELLSTONE's proposal careful consideration, and I am hopeful that the awareness raised during this debate will eventually lead to expanded educational opportunities for low-income Americans struggling to become self-sufficient.

Despite these reservations, Mr. President, I believe this is a good bill that will continue our efforts to lower the cost barriers to higher education. The Higher Education Act is a vital investment in our Nation's future. By enacting this legislation, we will help millions of young people gain skills and develop their talents, and help our Nation build a strong work force, develop our intellectual capital, and nurture the leaders of the next generation. I urge my colleagues to join me in supporting this very important piece of legislation.

Mr. DOMENICI. Mr. President, I rise today in support of the Higher Education Act Amendments of 1998. By reauthorizing the Higher Education Act (HEA) the Senate is making a downpayment on our nation's future.

I would begin by saying: it is a simple fact that the future is prejudicial in favor of those who can read, write, and do math. A good education is a ticket to the secure economic future of the middle class. As the earning gap between brains and brawn grows ever larger almost no one doubts the link between education and an individual's prospects.

And that is what the Senate is doing today, improving the post-secondary educational system of our country.

What does the bill do in a nutshell? It improves financial aid opportunities for students, creates a unified program to promote excellence in the teachers our schools produce, and streamlines HEA by consolidating overlapping programs and eliminating unnecessary regulatory requirements.

Mr. President, before I make some specific comments about provisions in the bill, I would like to first talk about how important the bill is for New Mexico.

Approximately 100,000 students are enrolled in New Mexico's public colleges and universities, with about 53,000 students enrolled in community colleges and about 47,000 enrolled in universities. However, the number of high school graduates is expected to increase during the next decade and members of the current workforce are also expected to seek additional education during that period.

Consequently, the state must have a high-quality, low-cost college education available to a growing number of students, regardless of income level, ethnic background or place of residence.

Students attending New Mexico institutions received more than $200 million in financial aid, counting grants and loans from all sources, during the 1995–96 academic year. About 78 percent of that assistance came from federal sources, and during 1995–96, New Mexico students contracted for about $110 million in federal loans.

Thus, I believe that educational performance is a crucial element in New Mexico's capacity to prosper in the extremely competitive national and international economy.

New Mexico's colleges and universities directly and indirectly contribute to the economic vitality of the state, as they produce graduates with considerable intellectual depth and breadth, workers whose skills allow them to meet the demands of their employers, and first-rate research that helps to expand the boundaries of human knowledge.

Mr. President, I would now like to turn and make a few comments about several of the provisions in the bill and especially one that will benefit New Mexico.

Title V establishes a new part dedicated solely to supporting the needs of Hispanic Serving Institutions that is authorized at $62.5 million for fiscal year 1999. The funds may be used for construction or maintenance of instructional facilities, support of faculty exchanges and faculty development initiatives, the purchase of books and periodicals, technological and management improvements, and improving and expanding graduate and professional opportunities for Hispanic students.

New Mexico has 17 designated Hispanic Serving Institutions that serve more than 23,500 Hispanic students. These school include Albuquerque Technical Vocational Institute, College of Santa Fe, College of the Southwest, Eastern New Mexico University-Roswell, Luna Vocational Technical Institute, New Mexico Highlands University (NMHU), New Mexico Junior College, New Mexico State University (NMSU) Las Cruces, NMSU-Carlsbad, NMSU–Doña Ana, NMSU-Grants, Northern New Mexico Community College (NNMCC), Santa Fee Community College, University of New Mexico (UNM)-Los Alamos, UNM–Taos Education Center, UNM–Valencia County Branch, and Western New Mexico University.

Title II, entitled Teacher Quality, focuses on improving teacher quality and the recruitment of highly qualified. First, the bill seeks to improve student achievement, through quality improvement of the current and future teaching force by improving the preparation of prospective teachers and enhancing professional development activities. Second, the bill seeks to increase the number of students who complete high-quality teacher preparation programs.

Title III or the Institutional Aid Title creates a new grant program for Tribal Colleges and Universities to strengthen services to Native American students. I am especially pleased with this new program because of my longstanding involvement with the issues affecting Native Americans. Tribally-controlled colleges in New Mexico like the Crownpoint Institute of Technology, the Institute of American Indian Arts in Santa Fe, the new Navajo Community College in Shiprock, and the Southwest Indian Polytechnic Institute (SIPI) in Albuquerque could potentially benefit.

Student financial aid is given a huge boost through several changes. First, the bill increases the maximum Pell

Grant levels to the following amounts: $4,500 for academic year 1999–2000; $4,800 for academic year 2000–2001; $5,100 for academic year 2001–2002; $5,400 for academic year 2002–2003 and $5,800 for academic year 2003–2004.

The Federal TRIO Programs are given a boost through changes to the Student Assistance section in Title IV. I have always been a strong supporter of TRIO and most pleasing is how much the students, schools, and communities of New Mexico will benefit.

The 1,900 current TRIO programs provide benefits to 700,000 students nationwide. Two-thirds of participating students come from families where neither parent attended college and whose incomes are below $24,000.

The Dissemination/Partnership provision would encourage partnerships between TRIO programs and other community based organizations offering programs or activities serving at-risk students.

The Federal Family Education Loan Program (FFEL) is stabilized in the following way. Student loan rates will be equal to the 91-day-T-bill-plus-1.7-percent while students are in school, and plus-2.3-percent during repayment after graduation. The interest amount is capped at 8.25 percent and for PLUS loans, rates will be the 91-day-T-bill-plus-3.1 percent, capped at 9 percent for borrowers and lenders.

An innovative loan forgiveness program is also included for teachers. Up to $5,000 of a teacher's loans will be forgiven after five years of teaching for those choosing to teach in urban or rural school districts that serve large populations of low-income children.

Mr. President, in closing I believe we are taking an important step forward today by making an investment in our Nation's future with the reauthorization of the Higher Education Act.

Mr. AKAKA. Mr. President, I rise in support of the conference report to H.R. 6, the Higher Education Reauthorization Act. Passage of this important measure will ensure that access to higher education remains attainable for all Americans.

The increase in the Pell Grant eligibility included in the bill will help families and students offset the growing cost of higher education. This successful program has helped ensure that low-income and disadvantaged students have the opportunity to pursue a post-secondary education.

The bill also includes the continuation of the concept of the State Student Incentive Grants (SSIGs). The new modified program, Leveraging Educational Assistance Partnership Program, will continue the worthwhile effort of encouraging additional financial opportunities for students seeking a higher education.

The decrease in the student loan interest rate is another effort to ensure that students and their families are able to obtain a quality higher education. The decrease in the student loan interest rate helps students reduce the financial burden of higher education. Too often students are forced to chose between their education and the enormous financial hardship they must overcome to obtain the education they need to improve their lives. The agreement included in the bill helps to reduce the financial burden for students and their families.

Mr. President, the provisions in the bill relating to teacher development and preparation are important to ensure that we have the quantity and quality of teachers needed for the next generation of students. Across the country the shortage of teachers, particularly in critical subjects such as special education, math and science where there is serious demand, is having an adverse impact on our students. However, the problem is not just recruiting students to become teachers, the problem is making sure that students have the support and encouragement once they have chosen this honorable profession. Teacher development and preparation programs are essential if we are to stem the tide of teachers leaving the profession before retirement. Too many teachers are leaving to seek employment opportunities outside of the teaching profession because administrators and communities are failing to provide the support they need. The teacher development and preparation programs included in the bill will help to address this important issue.

Ensuring that our teachers obtain the educational background needed to achieve academic success must start at higher education institutions. Colleges and universities should not complain about the caliber of students pursuing higher education, while denying their educational degree programs the resources and the support that they need. The caliber of teachers leaving these institutions has a direct impact on the quality of students coming through the front door. The provisions in this bill help to address these concerns.

Mr. President, I would like to thank the Chairman, Senator JEFFORDS, and Senator KENNEDY, the Ranking Member, for their support on resolving the eligibility concerns surrounding the students from the Federated Associated States (FAS). The House, unfortunately, attempted to terminate the eligibility of college students from FAS for Pell Grants, Supplemental Education Opportunity Grants, and College Work Study. The House provision would have upset the unique relationship the United States has with the FAS and violated the legal and moral obligation we have with the countries under the U.S. Compact of Free Association with the Republic of Palau and the U.S. Compact of Free Association with the Federated States of Micronesia and the Republic of the Marshall Islands. It would have been an embarrassment if the U.S. failed to live up to its moral obligations in ensuring that FAS citizens were given the educational assistance necessary to become self-governing. The agreement worked out in conference ensures continued federal financial aid eligibility for FAS students and does not preclude the inclusion of such eligibility in the renegotiation of the Compact with the FAS.

Mr. President, I appreciate the opportunity to express my support for this important measure and look forward to its passage. Thank you, Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, the Higher Education Act of 1998 is a strong, bipartisan bill that deserves the support of all Members of the Senate. It renews our commitment to make higher education more affordable and more accessible for all qualified students.

The House and Senate passed their original versions of the bill almost unanimously, and the conference report preserves most of the best features of both bills. It enhances benefits for students, and particularly for students who want to be teachers. It increases the maximum authorization for Pell grants for the neediest students, and expands the formula for calculating their financial need in order to protect a larger amount of income of working parents and students.

The bill also reduces the cost of student loans by almost one percentage point. This reduction can make a significant difference for students who may face a mountain of debt when they graduate. This change will result in savings of $700 on the average debt of $13,000, and savings of over $1,000 on a debt of $20,000.

I am disappointed, however, that we could not extend this benefit to all recent graduates. Under the bill, the rates for consolidation loans will be permanently lowered in both programs from their previous statutory rates. The bill does create a short window for recent graduates to consolidate their existing loans under the Direct Lending program at the same low rates applicable for new loans. This opportunity will be available for another 4 months, in addition to the 3 month-window already in effect, so students will have a total of 7 months to consolidate their loans.

One of the key features of the bill is improving the training of teachers. The legislation supports local partnerships that include elementary and secondary schools and colleges, and it also provides competitive grants to states. This assistance is urgently needed to strengthen teacher training. The bill also provides assistance for recruitment of new teachers, a critical need for many school districts. In addition, it provides loan forgiveness on student loans of up to $5,000 for those who teach for five years in high-need schools. I hope that we can build on

this incentive in future years, as an important way to encourage more students to become teachers.

The bill also includes an early intervention initiative to encourage more middle-school students to understand that college is not out of reach. It incorporates ideas from the Administration and from Senator JEFFORDS in a new program, ''Gear Up.'' We need to reach out to middle-school children to help them understand that a college education is attainable and affordable.

The bill also continues the program of Graduate Assistance in Areas of National Need, as a critical investment in graduate education. I am particularly pleased that the conference report preserves the portable Javits Fellowships for talented students in the arts, humanities, and social sciences.

The bill contains a new program based on initiatives sponsored by Congresswoman MEEK in the House and by myself in the Senate to encourage a higher quality of college teaching for students with disabilities. In recent years, it has become possible for many more students with disabilities to achieve the dream of a college education, and we need to do more to ensure that faculty members have the experience to teach them. This bill reaches out to all colleges and universities, and can include training for graduate teaching assistants—the faculty of the future.

The bill also expands federal aid for learning through distance education. Distance learning can open the doors of higher education to many students who cannot attend classes on college campuses because they live in remote areas, or because of their job and family responsibilities. The Department of Education will monitor the institutions participating in the distance program, and report to Congress on the results. Our goal is to ensure that distance education is of the same high quality as traditional education.

The bill also helps improve the delivery of federal financial aid, by creating a Performance Based Organization in the Department of Education. Its goal is to streamline and improve the financial aid functions of the Department, and give it more flexibility to deal with many aspects of federal aid. A principal goal of the PBO is to improve services for students, and the bill creates a new position called the Student Loan Ombudsman, which student groups have urged.

The bill also encourages improvements by guaranty agencies, by enabling them to enter into voluntary, flexible agreements with the Secretary of Education. Under these agreements, the agencies can do more to prevent defaults, instead of collecting from students after they have defaulted on loans. These voluntary flexible agreements will encourage the agencies to be more business-like and responsive to students.

This bill sets the stage for future reforms in student loans. The controversy about what level to set interest rates on these loans makes clear that Congress should stop setting the rates for banks. The best solution is to accept a market-based system for student loans, and let competition set the rates for lenders.

Many Members on both sides of the aisle and in both Houses are interested in this fundamental change, and I am pleased that the bill calls for a study of competitive mechanisms for the loans. This study will help Congress make thoughtful changes in a system that is now far too costly and inefficient.

I am disappointed that the conference report does not contain the amendment to the welfare reform act proposed by Senator WELLSTONE and passed by the Senate. Senator WELLSTONE's amendment would help welfare recipients attend college for two years. We have heard from many students who have been forced to abandon their pursuit of college education because of the harsh provisions of the welfare reform law. Senator WELLSTONE's amendment is well-designed to reduce this serious problem, and it deserves to be enacted.

Overall, the numerous positive changes in this legislation will strengthen higher education. I commend the constructive bipartisan spirit that has brought us to this point. It is fitting to enact this legislation at the beginning of the academic year, and I look forward to its adoption and its successful implementation.

Mr. President, on the teacher training provisions of this Act, which our friend and colleague, Senator REED, is so very interested in, one of the new features is a loan forgiveness program—$5,000 for a teacher who teaches for 5 years. This is a very modest forgiveness, but it really builds on the old National Health Service Corps which provided loan forgiveness for doctors to go into underserved areas. The forgiveness program was an important incentive and was really very, very important and has been effective. We hope this program will be as well.

Also, I want to mention the new program that builds on some initiatives of Senator JEFFORDS and the TRIO Program, which targets middle school classes to move the whole class toward continuing education. This has worked in different parts of the country. Now we have a program to encourage other schools to do that.

If any one of us goes to any school in this country, in an elementary and secondary class, and asks children, even in the most underserved part of our Nation, how many want to go to college, before you even get the words out of your mouth, every hand goes up. They get discouraged in later years. If they know they have the opportunity to continue their education if they apply themselves to their studies, it can have a dramatic impact in reducing dropouts and also antisocial behavior. This is a modest program, but it is very important.

I want to also mention, Mr. President, that this bill sets the stage for future reforms in student loans. The controversy over what level to set interest rates on these loans makes clear that Congress should stop setting the rates for banks. The best solution is to accept a market-based system for student loans and let competition set the rate for the lenders. We believe in competition. This is a good area in which to try it. We have many examples in different public policy areas of where auctions work. There is an excellent initiative in the House of Representatives by Republican Congressman PETRI to try an auction-based system. I am very hopeful we can find a bipartisan effort in this area to find the savings and return them to the students. It makes sense. That is a way we should proceed. We have a study of that program in this conference report.

Finally, I agree with my other colleagues. I am disappointed the conference did not accept what I think is the superb amendment of Senator WELLSTONE, which was adopted in this body, about continuing education and how this dovetails with the welfare reform program. Senator WELLSTONE will be over here to speak to that issue later on. I regret he was not successful, and I will certainly support his efforts later on to try to implement that program.

The PRESIDING OFFICER. All time has expired.

Mr. JEFFORDS. I yield the Senator 1 minute.

Mr. KENNEDY. Mr. President, I commend my colleagues on the Labor Committee for their skillful work on this bill. Senator JEFFORDS worked hard to accommodate all the concerns of all the members of the Committee, and kept the interests of students firmly in mind. Senator COATS and Senator DODD likewise contributed to the bipartisan spirit.

I also thank the following:

On Senator JEFFORD's staff, Susan Hattan, Jenny Smulson, Scott Giles, Cory Heyman, and Pam Moran.

From Senator COATS' staff, Townsend Lange.

From Senator DODD's staff, Suzanne Day and Megan Murray.

From my own office, Marianna Pierce, Jane Oates, and former fellows Gloria Corral, Jennifer Kron, Maria McGarrity, and Eileen O'Leary.

I also thank Debb Kalcevik from CBO; Margot Schenet, Jim Stedman, and Barbara Miles from CRS; and Mark Sigurski from the office of legislative counsel.

They have all done an excellent job, and deserve a large share of the credit for this achievement.

Mr. President, I want to single out, in particular, Marianna Pierce who is my chief of staff in the area of education. The members of the staff performed absolutely superbly and have played an indispensable role in helping all of us reach this point. I am enormously grateful to her and the other staff.

Mr. JEFFORDS addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. JEFFORDS. Mr. President, I am proud to say again that this bill preserves the focus on students, who are the primary reason we have a Higher Education Act in the first place. Students now in school will be assured of receiving the lowest interest rate on their loans in nearly two decades.

Students now in high school who aspire to a college education will benefit from an expanded early intervention program known as Gear Up, as well as continuing to receive services from the time-tested and highly regarded TRIO programs. The new Gear Up Program combines features of the existing National Early Intervention Scholarship Program, which I sponsored in 1992, with recommendations proposed by the administration and included in the House bill.

The Gear Up Program preserves the best features of the program now operating successfully in nine States while expanding the pool of participants and approaches involved in early intervention.

Students who have graduated and are faced with exceptionally high loan burdens will be able to take advantage of extended repayment options under the Guaranteed Loan Program. In addition, the measure provides a 4-month window within which borrowers now in repayment may refinance their loans through either the Federal Direct Loan Program or the Federal Family Education Loan Program.

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

The PRESIDING OFFICER. Seven minutes 54 seconds.

Mr. JEFFORDS. Mr. President, Senator COATS is on his way. Let me, in the interim, mention that education, as we know now, is a top interest in poll after poll of Americans. They want to see their educational system reformed in a way that can lead them into a position where this Nation has the best educational system in the world. Unfortunately, that is not the case right now. But we are taking a huge step forward with the higher education bill, not just in that matter which affects the students in higher education, but also the second title of the bill which deals with reforming teacher preparation.

Nothing is going to change in the classroom until the teacher changes, and the teacher isn't going to change until the teacher knows what he or she has to do in order to make our system better.

As we move into the Elementary and Secondary Education Act reauthorization next year, we want to make sure that the universities are aware that they have a role to play in ensuring that every new teacher who comes into the system is ready for the changes which are necessary to make our educational system the best in the world.

I look forward, as we move forward into next year, to continuing the effort that our committee has taken to make this Nation's educational system the best in the world. I am confident we can do that.

But right now we do know we have much left to do. But hopefully working first with those who are teaching the teachers, we can make sure that we stop the flow in of young people who want to teach but do not have an adequate education at the universities and colleges that they should have in this day and age.

Mr. COATS. Mr. President, I am happy to rise today to speak in support of the conference report for the Higher Education Act Amendments of 1998. This higher education bill has been two years in the making and I know I join the rest of my colleagues in the Labor Committee, and in the Senate, in full support of this very important legislation.

This bill represents a strong bipartisan consensus in the Congress to ensure that students maintain access to post-secondary education through vital student opportunity programs, such as TRIO; healthy, stable, and streamlined loan programs; and a simplified student aid process. I am pleased to have had the opportunity to contribute to this important bill.

This conference report, like the underlying Senate bill, was developed with several fundamental principles. Our first, and most important theme, was to maintain the primary focus of the Higher Education Act since its inception in 1965—to ensure that students have access and opportunity to purse higher education.

One of the most important elements of this bill aimed at ensuring student access and opportunity is the new, low interest rate for student loans. This legislation sets a student loan repayment interest rate of 7.43 percent which represents a significant reduction in the interest rate for students. The interest rate that was scheduled to take effect on July 1, 1998 would have destabilized the successful Federal Family Loan Program by causing thousands of lenders to stop making student loans, resulting in high numbers of students without student loans for this school year. The interest rate included in this conference report provides a significant reduction to students while maintaining the long-term viability of the student loan programs and ensuring that students will continue to have access to private loans at the lowest interest rate in 17 years. Depending on the size of their loan, this low interest rate will save students hundreds, even thousands, of dollars over the course of the loan.

The conference report also offers students a low interest rate for consolidation loans.

This conference report strengthens the major student opportunity programs in the act by focusing much needed attention and resources on these vital programs, with particular attention to the needs of low-income students. This conference report reauthorizes the Pell Grant Program at its highest level ever, with maximum grant awards at $4,500 in the 1999–2000 school year and increasing to $5,800 in the 2003–2004 academic year. This bill also makes needed reforms to the TRIO program, which helps disadvantaged children prepare for college, and increases its authorization to $700 million.

The vital work-study programs are also continued and expanded in this conference report. The authorization for the College Work-Study Program is increased to $1 billion for fiscal year 1999 from the current funding level of $830 million.

The need analysis formula is also revised to ensure that the growing percentage of independents students will be able to retain a greater portion of their income.

Another critical principle for these amendments was the improvement and modernization of the student aid delivery system. This legislation creates a Performance-Based Organization (PBO) within the Department of Education aimed at providing quality service to students and parents. The utilization of this PBO which will incorporate the best and most successful practices in the private financial sector, coupled with other reforms aimed at streamlining the student aid regulatory requirements will result in a better managed and higher quality federal student aid system.

In addition to the development of the PBO, this bill includes significant reforms to the Federal Family Education Loan Program (FFELP), and specifically to guaranty agencies. This bill restructures the guaranty agency system to ensure that these important participants in the private loan program are given the flexibility they need to help students avoid defaulting on their loans while operating in a more cost effective and efficient manner which will benefit taxpayers as well as students and their families.

A third principle which guided these amendments was the need for much-needed reform of teacher preparation programs. I am very pleased that this bill includes a new initiative for teacher training and professional development aimed at addressing the shortage of qualified teachers in this country which replaces the existing teacher preparation programs with a single authorization for three separate grant programs.

This initiative encourages state level reforms intended to produce well trained and highly competent teachers, local level partnerships intended to improve under-performing teacher education programs, and provides a separate grant for States and partnerships to compete for funds specifically targeted toward teacher recruitment.

States will compete to receive 45 percent of these teacher training dollars and can use the grants to strengthen their teacher certification requirements, create or expand alternative

certification programs to attract highly qualified people from other occupations to the teaching profession, to decrease the shortage of highly qualified teachers in high need areas, or to develop programs which reward excellent teachers and remove unqualified teachers.

Partnerships will compete for 45 percent of the funds as well, while 10 percent of the funds is reserved for recruitment grants.

This reauthorization was also guided by a strong desire to promote college cost-cutting measures, utilizing some of the recommendations of the Commission on the Cost of Higher Education which presented its findings earlier this year. This legislation includes initiatives to ensure that parents and students are kept apprised of college costs and provide with comparative data to keep colleges accountable and higher education affordable; burdensome federal regulations are reduced; and the national role in encouraging affordable higher education is strengthened.

This bill also streamlines and consolidates the many programs and activities which are found in the Higher Education Act. This act has become increasingly complex over the years and these amendments make great strides in simplifying the act and better targeting its programs and activities.

It has been a pleasure to be part of the development of this critical legislation. I have found the bipartisanship displayed throughout this process encouraging and I would like to thank the staff who have worked on this important legislation for the last two years: on Senator JEFFORD'S staff, Susan Hattan, Jenny Smulson, Scott Giles, Cory Heyman, and Pam Moran have done excellent work on this bill. In addition, Marianna Pierce with Senator KENNEDY and Suzanne Day with Senator DODD have worked diligently to ensure that this bill represents a strong bipartisan consensus. Thank you all so much for your long hours and excellent work.

Again, I am pleased to have been a part of crafting this important legislation.

STUDY OF MARKET MECHANISMS IN FEDERAL STUDENT LOAN PROGRAMS

Mr. DOMENICI. I would like to call attention to a study of market mechanisms in federal student loan programs, Section 801 of the conference report. I was pleased to see this issue addressed in the context of the Higher Education Act. As you know, Chairman JEFFORDS, our fiscal year 1999 Senate budget resolution raised concerns about the federal government setting interest rates for student loans and encouraged your Committee to look for a long term solution to the difficult problem of Congress setting these rates. I believe this study is a good first step and hopefully will give a good data on which to access where we go after the newly adopted student and lender rates sunset in 2003.

One matter I wish to clarify with the Chairman is the participation of the Congressional Budget Office (CBO) in this study. CBO is a critical non-partisan analytical body on which we in Congress rely. By law they can not recommend specific policies or endorse the policy recommendations of others. I would assume then that the purpose for which you seek CBO's participation in the study for their expertise on student loans, and in general, study design and analysis.

Mr. JEFFORDS. It is my understanding that the Budget Committee has asked CBO to conduct a broader-based study on student loan interest rates, subsidies, and the larger student aid program. I expect that study to be a valuable as well, and it is my view that the knowledge gained through this work could be of great benefit to the Department of Education and the Comptroller General as they undertake their own study. The role of CBO in the study contained in the conference agreement is to assist the other participants ask the right kinds of questions, use valid research and analytical tools, analyze the validity of the study's design or conclusions, where objective analysis can be brought to bear, and be an overall, non-partisan, resource for participants in the study.

Mr. DOMENICI. I appreciate the Chairman's clarification. The study language makes reference to additional or dissenting views. Is it the intent of the Committee that all members of the study group, including CBO, shall have the opportunity to express independent concurring or dissenting views within the context of the preliminary as well as final report to Congress.

Mr. JEFFORDS. That is correct.

Mr. DOMENICI. I thank the Chairman.

Mr. JEFFORDS. Mr. President, in closing, I am extremely pleased that the Senate with this vote, will have completed action on the conference report accompanying H.R. 6, the Higher Education Amendments of 1998.

The scope of the Higher Education Act is so broad that the reauthorization of all the programs it covers is necessarily a demanding and time-consuming task. Bringing this process to a conclusion would not have been possible without the concerted efforts of members of both parties in both the House and the Senate.

I express my particular gratitude to the members of the Labor and Human Resources Committee and their staffs, who have pulled together over the past 18 months to help shape a bill which will help ensure that our nation remains a leader in educational excellence for all of our citizens.

Each and every member of the committee made a positive contribution to the development and refinement of this measure. I very much value the time, effort, and commitment they have brought to this task.

I also extend my sincerest thanks to the many staff people who contributed to this product.

I particularly recognize the efforts of Marianna Pierce and Jane Oates with Senator KENNEDY, Townsend Lange with Senator COATS, and Suzanne Day and Megan Murray with Senator DODD. These individuals—along with my own staff members, Scott Giles, Susan Hattan, Cory Heyman, Pamela Moran, and Jenny Smulson—went ''above and beyond'' in terms of their diligent work on each and every aspect of this measure. I would also like to acknowledge the work of Heidi Scheuerman, Carolyn Dupree, and Leah Booth of my staff—who brought a semblance of control to the vast quantities of paper produced throughout this process.

I also recognize and thank the staff of other members of the committee—all of whom have shown great dedication to this cause:

Jackie Cooney with Senator GREGG;

Lori Meyer with Senator FRIST;

John Connelly with Senator DEWINE;

Chad Calvert with Senator ENZI;

Jenny Saunders and Rhett Butler with Senator HUTCHINSON;

Julian Haynes with Senator COLLINS;

Angie Stewart and Chas Phillips with Senator WARNER;

Robin Bowen and Holly Hacker with Senator MCCONNELL;

Bev Schroeder with Senator HARKIN;

Deborah Connelly with Senator MIKULSKI;

Alexander Russo and Rena Subotnik with Senator BINGAMAN;

Roger Wolfson and Robin Burkhe with Senator WELLSTONE;

Mike Egan with Senator MURRAY; and

Elyse Wasch with Senator REED.

I want to acknowledge the extraordinary assistance offered by Debb Kalcevic, Robin Seiler, Josh O'Hara, and Justin Latus with the Congressional Budget Office, Mark Sigurski with Senate Legislative Counsel, and Margot Schenet, Jim Stedman, and Barbara Miles, with the Congressional Research Service.

This process has been a collaborative and bipartisan one every step of the way. It has produced a measure of which we can all be proud.

Mr. President, I have no other requests for time. I yield back the remainder of my time.

DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 1999—CONFERENCE REPORT

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to the consideration of the conference report to accompany H.R. 4103, which the clerk will report.

The legislative clerk read as follows:

The committee on conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 4103), have agreed to recommend and do recommend to their respective Houses this report, signed by a majority of the conferees.

The PRESIDING OFFICER. The Senate will proceed to the consideration of the conference report.

(The conference report is printed in the House Proceedings of the RECORD of September 25, 1998.)

The PRESIDING OFFICER. Time for debate on this conference report is limited to 10 minutes equally divided.

The Senator from Alaska.

Mr. STEVENS. Mr. President, the Senator from Arkansas wants 2 minutes. Please inform when I have used 3 minutes.

It is my privilege to present to the Senate this fiscal year 1999 Department of Defense Appropriations Act. I am especially pleased to present the bill with the full bipartisan support of the conferees on the bill and in partnership with my good friend, the distinguished Senator from Hawaii, Senator INOUYE.

Unlike the previous 3 years, the bill before the Senate matches the budget request levels sought by the President for 1999. Pursuant to the bipartisan budget agreement reached last year, we live within the budget authority and outlay limits on defense spending.

It is my judgment, though, that the levels set last year do not adequately fund readiness, quality of life, modernization, and the needs of our Armed Forces. I will be speaking more on that today.

The conference report before the Senate places a clear premium on meeting the personnel and readiness needs of the military. The bill provides the 3.6-percent pay increase for all uniformed personnel. The bill also increases funding for urgent operation and maintenance requirements for the military services.

The conferees on the bill also worked to address the top modernization priorities established by the service chiefs. The conferees did not solve funding challenges presented by the budget caps by taking large general reductions to procurement and research accounts.

Tough decisions were made on each program. Very few programs, Mr. President, were funded at the full House or Senate level. Where there was a difference, we sought to find a compromise between the House and Senate spending accounts.

One very important provision of the bill was offered in the Senate by Senator ROBERTS. That is on the prospect of deploying U.S. troops to Kosovo. Following consultations with Secretary Cohen and the Joint Chiefs Chairman General Shelton, the conferees modified the provision to focus attention on any additional deployment of U.S. troops to Yugoslavia—which does include Kosovo—Albania and Macedonia.

This reporting requirement, related to the introduction of ground troop units, does not apply forces introduced in accordance with U.N. Security Council 795 or other circumstances determined by the President to be an emergency necessitating the immediate deployment of forces.

In addition, the conferees added language making clear nothing in this section shall be deemed to restrict the authority of the President under the Constitution to protect the lives of U.S. citizens.

I again commend Senator ROBERTS for this initiative and believe the modifications included in the bill are consistent with past requirements enacted concerning the deployment of U.S. forces in this region. It will be very important in connection with any potential deployment to Kosovo.

As I noted earlier, there is not enough money for defense in this bill, Mr. President. We recently received a letter from the President identifying the need for additional funds for 1999. The Armed Services Committee today is hearing testimony on this issue from the service chiefs.

It is my intention to recommend to the Senate that additional funds be provided in the emergency supplemental bill for readiness, counterterrorism, the war on drugs, and intelligence needs.

Our committee will work with the Secretary of Defense and the Joint Chiefs to ensure we meet the needs they present to Congress.

Mr. President, let me close by recognizing the excellent work undertaken by our colleagues in the House, Chairman BILL YOUNG and Representative JACK MURTHA.

The four of us have been handling these defense bills for several years now, and it is truly a pleasure to work with them each year on this bill.

The PRESIDING OFFICER. The Senator's 3 minutes have expired.

Mr. HUTCHINSON addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. HUTCHINSON. Thank you.

I thank the chairman for the outstanding work he has done on this bill. I will support the legislation. I think it is a commitment to our Nation's defense. The Senator from Alaska always does a good job on all the appropriations bills, but particularly this defense appropriations bill.

I am glad for several projects that I think are critical to our Nation's defense but are also critical to the State of Arkansas, including the MLRS system, manufactured in Camden, AR, Fort Chaffee in Ft. Smith, AR, the Pine Bluff Arsenal, and C–130s in Jacksonville.

I will vote for the bill. I do so with a deep reservation. I am puzzled, discouraged and disheartened by the exclusion of an amendment that passed unanimously in the Senate by a vote of 99–0—it passed the House of Representatives on separate votes of 415–1 and 366–54—which would have condemned China's policy of forced abortions and religious persecution and would have denied visas to the perpetrators.

I am just puzzled, and I am discouraged that an amendment that had such bipartisan support, that has no cost and no controversy, would have been dropped in conference.

Yesterday, President Jiang Zemin in China, according to the Washington Post today, issued a strident defense of the Tiananmen massacre in which hundreds—thousands of students were slain. At the very time that the President of China is defending that horrendous action, this body cannot lift even a timid voice in condemnation of it—even a mild rebuke of those abuses. I am appalled and I find it inexplicable that we remain silent and that the conference would have determined to drop this amendment that had such support in both bodies.

So while I vote for this conference report, I do so with a deep reservation and with the caveat that this Senator will use his breath, so long as he has the opportunity in the Senate, to continue to raise the issues of human rights abuses in China and to offer these kinds of amendments.

I yield the floor.

The PRESIDING OFFICER. All the time of the Senator from Alaska has been used.

The Senator from Hawaii.

Mr. INOUYE. Mr. President, I rise to speak in strong support of this conference agreement. Chairman STEVENS has once again done an extraordinary job in moving this bill forward while protecting the interests of the Senate, and supporting our Nation's defense.

Quite often when we talk about defense we highlight the investment items such as tanks and missiles and ships and fighting aircraft. Mr. President, while these are all important, and in fact critical to ensuring a strong defense, whenever you meet commanders in the field, each one will tell you that the most important element of our defense is the men and women who are willing to serve us.

There are 1,396,000 men and women in the Active Forces and another 877,000 in our National Guard and Reserve. This represents less than 1 percent of our population. And they are the ones who are willing to sacrifice everything to stand in harm's way to defend all the rest of us.

Mr. President, we should be very grateful for their willingness to serve and, most important, we should demonstrate our gratitude by ensuring that they receive adequate compensation, good housing and quality medical care.

In this bill, we have made some progress on each of these fronts.

First, the bill provides for a 3.6 percent pay raise, one-half percent higher than requested by the administration.

Second, the conferees have added $505 million to cover real property maintenance needs for barracks and housing for our military personnel and their families.

Third, the bill has added $500 million for supporting our bases to make sure that there is enough money to adequately operate the bases.

Finally, we have fully funded the Defense Health Program.

Mr. President, many of us have a real concern that our military no longer believes that we are doing enough to respond to their needs.

Last May, our chairman led a delegation to the Persian Gulf. It was very clear from the men and women with whom we spoke that there is growing dissatisfaction in our military with their working and living conditions, and pay.

We have tried to address these within the funding constraints that we face, but we believe more needs to be done.

We know we do not have all the answers on the best approach to fix this problem.

Therefore, the conferees have directed the Defense Department to review all aspects of its compensation package, from recruiting incentives to retirement, including all quality of life programs.

It is the intent of the managers that the Defense Department conduct this review in the next 3 months and provide the Congress with its recommendations in conjunction with its budget submission for fiscal year 2000.

Mr. President, this is a good package. The bill provides more money in title II for operation and maintenance than was requested by the President. It does a great deal to help our men and women in uniform, not as much as we would like, but more than DOD requested.

Considering the tough financial climate that we are living in, I must commend our chairman for forging this agreement and thank his staff too for their great assistance.

Mr. President, this is a good package, I recommend it to all of my colleagues.

Mr. President, I understand there is some concern regarding section 8115 in this conference report. It was my understanding that the provision regarded the deployment of additional ground troops to Yugoslavia, Albania, and Macedonia. We hope that those responsible for interpreting this legislation will understand this when they respond to this provision.

Mr. President, before I close, may I add my commendation to the extraordinary work of our staff, led by Steve Cortese and Charlie Houy.

Mr. STEVENS. Mr. President, I join Senator INOUYE in commending our staff and all those who worked on this bill, and particularly Senator ROBERTS, for his very significant amendment to this bill.

Mr. DOMENICI. Mr. President, I strongly support H.R. 4103, the Defense appropriations conference report for fiscal year 1999. The pending provides $250.5 billion in total budget authority and $168.1 billion in new outlays for the Department of Defense and related activities. When outlays from prior years and other adjustments are taken into account, outlays total $245.1 billion.

There are some major elements to this bill that are important for the Senate to review.

The bill is consistent with the bipartisan balanced budget agreement.

It funds a 3.6 percent pay raise for military personnel, rather than the 3.1 percent requested by the administration.

It contains quality-of-life enhancements for our Armed Forces, which total $455 million more than was requested.

I strongly support this bill, and I urge its adoption. I want to complement the chairman of the Appropriations Committee on his very skillful handling of this important legislation and for his statesmanlike approach to some serious and troubling issues in this year's defense budget.

Mr. President, I ask unanimous consent that a Senate Budget Committee table displaying the budget impact of this bill be printed in the RECORD.

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

H.R. 4103, DEFENSE APPROPRIATIONS, 1999, SPENDING COMPARISONS—CONFERENCE REPORT

(Fiscal year 1999, in millions of dollars)

	Defense	Non-defense	Crime	Mandatory	Total
Conference Report:					
Budget authority	250,282	27	.....	202	250,511
Outlays	244,876	27	.....	202	245,105
Senate 302(b) allocation:					
Budget authority	250,324	27	.....	202	250,553
Outlays	244,877	27	.....	202	245,106
1998 level:					
Budget authority	247,340	27	.....	197	247,564
Outlays	247,130	31	.....	197	247,358
President's request:					
Budget authority	250,770	27	.....	202	250,999
Outlays	246,493	27	.....	202	246,722
House-passed bill:					
Budget authority	250,499	27	.....	202	250,728
Outlays	245,408	27	.....	202	245,637
Senate-passed bill:					
Budget authority	250,290	27	.....	202	250,519
Outlays	244,938	27	.....	202	245,167
Conference Report Compared To:					
Senate 302(b) allocation:					
Budget authority	−42	.....	.....	.....	−42
Outlays	−1	.....	.....	.....	−1
1998 level:					
Budget authority	2,942	.....	.....	5	2,947
Outlays	−2,254	−4	.....	5	−2,253
President's request:					
Budget authority	−488	.....	.....	.....	−488
Outlays	−1,617	.....	.....	.....	−1,617
House-passed bill:					
Budget authority	−217	.....	.....	.....	−217
Outlays	−532	.....	.....	.....	−532
Senate-passed bill:					
Budget authority	−8	.....	.....	.....	−8
Outlays	−62	.....	.....	.....	−62

Note: Details may not add to totals due to rounding. Totals adjusted for consistency with current scorekeeping conventions.

Mr. MURKOWSKI. Mr. President. I want to commend the managers of the bill, the senior Senator from Alaska, Senator STEVENS, and the senior Senator from Hawaii, Senator INOUYE, for their thoughtful work. I particularly want to thank the managers for their inclusion of a requirement in the conference report for a Department of Defense report on the troublesome security situation in the Taiwan Strait. I know that both Senator STEVENS and Senator INOUYE share my concern about stability in the Taiwan Strait.

This report, requested on or before February 1, 1999, is very timely. The twentieth anniversary of the Taiwan Relations Act is in April 1999. Does the senior Senator from Alaska agree that one of the principal purposes of this study should be to compare the security situation as it exists now in 1998 with that which existed in 1979, when Congress originally enacted the Taiwan Relations Act, P.L. 96–8?

Mr. STEVENS. Mr. President. My colleague from Alaska is correct. The Committee believes that it is important for Congress to be fully and currently informed on the military balance in the tense Taiwan Strait, as Congress directed in the Taiwan Relations Act. The Committee expects the report to detail recent additions to the offensive military capabilities of the People's Republic of China, as well as new challenges to the deterrent forces of the Republic of China on Taiwan. This report should carefully examine the balance as it exists today, as it may exist in the future, given expected procurement programs, as well as comparing the balance with the situation that existed in 1979, when Congress adopted the Taiwan Relations Act.

Mr. MURKOWSKI. Mr. President. I would like to thank my friend from Alaska. I also wanted to note that it is important that the report provide a comprehensive analysis of the security balance in the Taiwan Strait. In addition to the traditional force-on-force analysis, I understand that it is the conferees intent that the report evaluate the capability of the People's Liberation Army (PLA) to conduct command and control warfare against Taiwan, including the PLA's capability for information dominance, air superiority, naval blockage, and amphibious invasion. This is an area that has not received enough attention in terms of evaluating Taiwan's defensive capabilities.

It is also my understanding that the conferees intend that this report evaluate the degree to which the PLA's modernization programs in the areas of submarine development, ballistic and cruise missile development, special operation forces, electronic warfare and computer virus attack capabilities have altered, or may in the future alter, the security and stability in the Taiwan Strait.

Mr. INOUYE. Mr. President. I would like to add my expression of support in this area to that articulated by the junior Senator from Alaska. I was pleased to work with my colleagues in the conference committee to shape this important provision. I look forward to reviewing this report from the Department of Defense early next year. I, too, believe that it is particularly important to focus on the qualitative balance now in 1998 as compared to that which existed in 1979, when Congress enacted the Taiwan Relations Act, with its Section 3 provisions regarding continued military sales to the Republic of China on Taiwan.

Mr. LAUTENBERG. Mr. President, I would like to engage in a colloquy with the distinguished Senator from Alaska, the Chairman of the Defense Appropriations Subcommittee.

The Conference Report accompanying H.R. 4013, the Fiscal Year 1999 Defense Appropriations bill, includes a funding level of $28 million specifically

for making upgrades to the radars which will support the Navy Theater Wide missile defense system, through a competitive process. The Senate has a long history of supporting this effort by providing funding above the amount requested by the Administration. I concur fully with these additions.

The Navy Theater Wide program is an integral part of the overall architecture of missile defense which is being developed and built by our country today. However, in order to field a Navy Theater Wide system that will be available on the schedule that the Navy is pursuing, we must increase our efforts in the area of radar development. To date, the preponderance of the funds expended for the Navy Theater Wide program have gone toward development of the missile and the kill vehicle. While these are necessary elements of the Navy Theater Wide system, without the upgraded sensors to operate with them, the overall system will be less than fully capable. With the addition of the $28 million in this bill we are just beginning to make up for lost time. I wish we could have provided even more funds. However, I encourage the Navy and the Ballistic Missile Defense Organization to commence a vigorous effort to develop a radar system that will meet the stringent requirements of the Navy Theater Wide program. I believe the same radar system should also be compatible with meeting other fleet requirements, such as improving its ability to defeat cruise missiles.

Do you agree with my assessment of the situation?

Mr. STEVENS. I thank the Senator from New Jersey. He makes some very important and timely points. I, too, have been very supportive of the Navy Theater Wide program and will work closely with him to ensure that the entire system, including the radar, is developed on schedule. I fully support the conference's decision to provide $28 million for Radar Improvements Competition in Fiscal Year 1999 and I encourage the Navy to factor the radar development into their overall plan for Navy Theater Wide development and fielding.

Mr. LAUTENBERG. I thank the Senator from Alaska for his remarks. I applaud his efforts as Chairman of the Defense Subcommittee on this issue and for his dedication to our armed forces. I thank the chair and yield the floor.

Mr. KENNEDY. Mr. President, I would like to take this opportunity to again thank Senator STEVENS and Senator INOUYE for their efforts and leadership in putting the Fiscal Year 1999 Department of Defense Appropriations Conference Report together. I would also like to thank my colleagues for their continued support of photonics research and their leadership in providing continued funding for one of our most critical technologies. The vital nature of this photonics effort has been highlighted in recent Critical Technologies Reports to Congress.

Mr. President, I would like to clarify one point in the Conference Report before us, and to confirm the legislative intent of the Committee. I would like to ask the senator from Alaska, Senator STEVENS, and the Senator from Hawaii, Senator INOUYE, if the $2.5 million provided for photonics research in the RDT&E/Army section was intended to be provided to the Photonics Research Center which was funded in the Fiscal Year 1996 Defense Appropriations Bill?

Mr. STEVENS. Mr. President, first I would like to thank the Senator from Massachusetts and say that I am well aware of the critical role photonics is playing in our national security. I concur that the funding in question was intended to go to the Photonics Research Center that was funded in the FY 1996 DOD Appropriations Bill.

Mr. INOUYE. Mr. President, I, too, would like to thank the Senator from Massachusetts for his remarks. I have also supported funding for photonics research in the past. In the future, most of our weapons systems will depend on photonics for their effectiveness. If we are to maintain our competitive advantage, we must maintain an advantage in photonics research. I would also agree with the Senator from Alaska and his explanation of our Committee's legislative intent in providing additional funding for the Photonics Research Center.

Mr. KENNEDY. I would again like to thank my colleagues for their leadership on this vital technology and for clarifying the congressional intent of this funding.

ADVANCED MATERIALS INTELLIGENT PROCESSING CENTER

Ms. MOSELEY-BRAUN. Mr. President, I rise today to engage in a short colloquy with the distinguished Chairman of the Appropriations Committee, the senior Senator from Alaska, Senator STEVENS.

Mr. Chairman, as I understand it, the conference report included $3 million in the Research, Development, Test, and Evaluation Navy account of your Fiscal Year 1999 Department of Defense Appropriations bill for continued funding of the Advanced Materials Intelligent Processing Center in Evanston, Illinois. Mr. Chairman, I greatly appreciate the support that the subcommittee provides for this project. I would like to confirm that the intent of the conferees was to provide this additional $3 million to continue the activities of the Center in affiliation with the Naval Air Warfare Center in Lexington Park, Maryland, as well as other industrial and governmental partners. This continuation funding will allow the Center first to complete a state-of-the-art resin transfer molding system with all required equipment functionality, monitoring, and intelligent supervisory control, and then to transfer it to the Center's industrial and governmental partners for prove out in a production environment.

Mr. STEVENS. I thank the senior Senator from Illinois for her interest in this matter. I would like to confirm that the intent of our committee's action was as she stated.

Ms. MOSELEY-BRAUN. I thank the Senator from Alaska for his clarification on this matter, and for his assistance on this project. I also thank Senator INOUYE of the subcommittee for his support of this project. I would also like to say to my colleagues that I am confident the work of the Center can help reduce the cost of our defense systems through the use of faster, cheaper, and better means of processing composite materials for military hardware. These improvements will provide substantial dividends to the American people.

COST REDUCTION PROPOSAL FOR TERFENOL-D

Mr. GRASSLEY. Mr. President, I rise to engage in a brief colloquy with the distinguished Chairman of the Appropriations Committee, the Senator from Alaska, Mr. STEVENS.

Mr. STEVENS. I am delighted to respond to questions from the Senator from Iowa.

Mr. GRASSLEY. Mr. President, first, I commend the chairman for all his hard work on this very complex and extremely important bill.

One project that is of continuing interest to me is the cost reduction proposal for Terfenol-D, the smart alloy used in Navy advanced sonar systems. These essential cost reductions will enable significant cost and operational effectiveness enhancements of U.S. Navy surface ship, submarine and torpedo undersea warfighting capability. Furthermore, this program is essential if the U.S. Navy is to have a competitive advantage and not be at a disadvantage compared to the Chinese, Japanese and Russians as they invest in TERFENOL–D manufacturing technology advancements.

As the chairman recalls, funding for this important project was included in the FY 98 Defense Appropriations bill only to be line item vetoed by the President. Due to the importance of the project, funds were included again in the FY 99 bill. However, because of the confusion caused by the line-item veto and the subsequent opinion by the Supreme Court, I would like to clarify with you that the full $3.0 million appropriated by the Congress in FY 98, line-item vetoed by the President and then nullified by the U.S. Supreme Court, continues to be available for its stated purpose of cost reduction for Terfenol-D. Moreover, it is my understanding that the $2.0 million currently provided in FY 99 is in addition to the $3.0 million provided in FY 98 for a total of $5.0 million over two years for this extremely important cost reduction initiative.

Mr. STEVENS. The Senator's assessment that the 2 years of consecutive funding for this program totals $5.0 million is correct. It was the intent of the Conferees to provide this level of funding for the successful completion of this important program that will greatly enhance the security of the

United States and the safety of our men and women at sea.

Mr. GRASSLEY. I thank my distinguished colleague, the Chairman of the Appropriations Committee, for this important clarification.

SHIP SCRAPPING PROJECT

Mr. SPECTER. Mr. President, I have sought recognition to address my colleague, Chairman STEVENS, concerning funding for a ship disposal initiative in the Fiscal Year 1999 Defense Appropriations Act. At my request, funds were provided in the Senate bill for this program and I'm pleased to note that the conference report has preserved the Senate funding level of $7.5 million. This initiative has been crafted to address the Department of Defense Interagency Ship Scrapping Review Panel's recommendations for a pilot program.

It was my understanding that the $7.5 million provided under Operation & Maintenance for a ship disposal initiative would be used to implement a demonstration project at the Navy's only two fresh water reserve basins, where more than 300,000 tons of ships slated for scrapping are stored, and that these funds will be distributed evenly between the two sites—the Delaware River and the James River—for the first year of this demonstration project.

Earlier this year, I spoke with Philadelphia Mayor Ed Rendell and officials of the Philadelphia Industrial Development Corporation regarding their needs as we move ahead on revitalizing the Philadelphia Navy Shipyard. A key element of their plan is to demonstrate a ship scrapping project that assures responsible environmental health and safety management while reducing government costs for managing decommissioned ships.

Mr. STEVENS. The Senator from Pennsylvania is correct that the Senate included funding for this program at his request. The Committee and conferees were silent on the specific purpose of the program. I will add, though, that I support the intent of the Senator.

PROTECTING OUR STRATEGIC AIRLIFT

Mr. BIDEN. Mr. President, I support the defense appropriations conference report, but I would like to briefly comment on one issue - strategic airlift.

As we have learned in places like Kenya, Tanzania, Iraq, and Bosnia, the end of the Cold War has not brought stability to the world. That instability continually threatens our national security interests and has placed a high demand on our military assets.

Primary among those assets is strategic airlift. Using our military requires getting troops and equipment and weapons to strategic locations. I am very concerned that we are taking some short-cuts in this bill that directly impact that vital national security capability. In particular, I am concerned that the Senate did not fully fund the President's request for C–5 avionics modernization. Instead, this Conference Report provides only $33.7 million of $47.9 million dollars necessary to increase C–5 safety and reliability. While $33.7 million is a lot of money, we need to do more.

The $14.2 million cut delays installation of the Traffic Collision Avoidance System (TCAS) by a full-year. Other important modifications are also delayed, including the following: Enhanced Ground Proximity Warning System, Global Air Traffic Management, Flight Instrument and Engine Display System, and Automatic Flight Controls. These are the systems that navigate the plane and protect it against various forms of collision. As the skies continue to become more crowded, and as we rely on C–5s to provide airlift in all types of weather and over all kinds of terrain up-to-date avionics are critical.

The C–5 has served the nation well in all of our military actions overseas from the Yom Kippur War to current operations in Bosnia and Iraq. In Desert Storm, the C–5 delivered over 38 percent of all America's airlift. It is an absolutely essential part of the Air Force's airlift capacity. A capacity that is more critical than ever as we move to an Expeditionary Aerospace Force.

I want to point out here that it is not just me who believes the C–5 is a critical national defense priority. It is one of the Air Force's top priorities. Even now, I know that the Air Force is attempting to cobble together the needed $14.2 million from other accounts. The Air Force should not be put in this position. We should give them the money.

We have known for some time that the C–5 needs some modernization work. The Air Force is undertaking a study to determine how best to preserve and protect our strategic airlift. That larger study will look at many things—re-engining the C–5, buying more C–17s, refitting existing commercial airframes, exploring spare parts shortages and maintenance delays—but it will not change the need to modernize the avionics in the short-term. The Air Force is committed to this modernization and deserves our support.

Quite simply, the airlift of the United States military rests in the back of the C–5. In a world where threats appear in every corner of the globe, we cannot afford to shortchange the strategic airlift that protects our national security.

When we look at addressing readiness shortfalls in the military in a supplemental appropriations bill this year, I hope my colleagues will consider the need to restore $14.2 million to the C–5 Avionics Modernization accounts. The Air Force should know that we share its committment to strategic airlift.

Mr. STEVENS. Does the Senator yield back the balance of his time?

Mr. INOUYE. I yield back the remainder of my time.

The PRESIDING OFFICER. All time has been yielded back.

HIGHER EDUCATION AMENDMENTS—CONFERENCE REPORT

The PRESIDING OFFICER. Under the previous order, the Senate will now vote on the conference report accompanying H.R. 6.

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

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Nebraska (Mr. HAGEL) and the Senator from Alabama (Mr. SESSIONS) are necessarily absent.

Mr. FORD. I announce that the Senator from South Carolina (Mr. HOLLINGS) and the Senator from Illinois (Ms. MOSELEY-BRAUN) are necessarily absent.

I further announce that, if present and voting, the Senator from Illinois (Ms. MOSELEY-BRAUN) would vote ''aye.''

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

The result was announced—yeas 96, nays 0, as follows:

[Rollcall Vote No. 290 Leg.]

YEAS—96

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

NOT VOTING—4

Hagel	Moseley-Braun
Hollings	Sessions

The conference report was agreed to.

DEPARTMENT OF DEFENSE APPROPRIATIONS ACT—CONFERENCE REPORT

The PRESIDING OFFICER. Under the previous order, the Senate will now vote on adoption of the conference report accompanying H.R. 4103.

Mr. STEVENS. I ask for the yeas and nays.

The PRESIDING OFFICER. The yeas and nays have been requested.

Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. STEVENS. Mr. President, is this a 10 minute vote?

The PRESIDING OFFICER. That is correct.

The question is on agreeing to the conference report. The yeas and nays have been ordered. The clerk will call the roll.

The bill clerk called the roll.

Mr. NICKLES. I announce that the Senator from Nebraska (Mr. HAGEL) and the Senator from Alabama (Mr. SESSIONS) are necessarily absent.

Mr. FORD. I announce that the Senator from South Carolina (Mr. HOLLINGS) and the Senator from Illinois (Ms. MOSELEY-BRAUN) are necessarily absent.

I further announce that, if present and voting, the Senator from Illinois (Ms. MOSELEY-BRAUN) would vote ''aye.''

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

The result was announced—yeas 94, nays 2, as follows:

[Rollcall Vote No. 291 Leg.]

YEAS—94

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

NAYS—2

Feingold	Wellstone

NOT VOTING—4

Hagel	Moseley-Braun
Hollings	Sessions

The conference report was agreed to.

INTERNET TAX FREEDOM ACT—MOTION TO PROCEED

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The bill clerk read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provision of Rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to proceed to Calendar No. 509, S. 442, the Internet legislation:

Trent Lott, John McCain, Dan Coats, Chuck Hagel, Larry Craig, Christopher Bond, Wayne Allard, Paul Coverdell, Tim Hutchinson, Jim Inhofe, Mike DeWine, Dirk Kempthorne, Strom Thurmond, Jeff Sessions, Conrad Burns, and Robert F. Bennett.

CALL OF THE ROLL

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call is waived.

VOTE

The PRESIDING OFFICER. The question is, Is it the sense of the Senate that debate on the motion to proceed to S. 422, the internet tax freedom bill, shall be brought to a close? The yeas and nays are required under the rule. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Nebraska (Mr. HAGEL), and the Senator from Alabama (Mr. SESSIONS) are necessarily absent.

Mr. FORD. I announce that the Senator from California (Mrs. BOXER), the Senator from South Carolina (Mr. HOLLINGS), and the Senator from Illinois (Ms. MOSELEY-BRAUN) are necessarily absent.

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

The yeas and nays resulted—yeas 89, nays 6, as follows:

[Rollcall Vote No. 292 Leg.]

YEAS—89

Abraham	Feinstein	Mack
Akaka	Ford	McCain
Allard	Frist	McConnell
Ashcroft	Glenn	Mikulski
Baucus	Gramm	Moynihan
Biden	Grams	Murkowski
Bingaman	Grassley	Murray
Bond	Gregg	Nickles
Breaux	Harkin	Reed
Brownback	Hatch	Reid
Bryan	Helms	Robb
Burns	Hutchinson	Roberts
Byrd	Hutchison	Rockefeller
Campbell	Inhofe	Roth
Chafee	Inouye	Santorum
Coats	Jeffords	Sarbanes
Cochran	Johnson	Shelby
Collins	Kempthorne	Smith (NH)
Conrad	Kennedy	Smith (OR)
Coverdell	Kerrey	Snowe
Craig	Kerry	Specter
D'Amato	Kohl	Stevens
Daschle	Kyl	Thomas
DeWine	Landrieu	Thompson
Dodd	Lautenberg	Thurmond
Domenici	Leahy	Torricelli
Dorgan	Levin	Warner
Durbin	Lieberman	Wellstone
Faircloth	Lott	Wyden
Feingold	Lugar	

NAYS—6

Bennett	Cleland	Gorton
Bumpers	Enzi	Graham

NOT VOTING—5

Boxer	Hollings	Sessions
Hagel	Moseley-Braun	

The PRESIDING OFFICER. On this vote, the yeas are 87, the nays are 6. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

Mr. MCCAIN. Mr. President, I ask unanimous consent when the Senate begins consideration of S. 442, the Internet tax bill, the Commerce Committee amendment be agreed to; and immediately following that action, the Finance Committee substitute be agreed to and considered original text for the purpose of further amendments. I also ask that during the Senate's consideration of S. 442 or the House companion bill, that only relevant amendments be in order.

I now ask that the motion to proceed be adopted and the Senate proceed to the bill following the period of morning business at 3:15 p.m. today.

Mr. GRAHAM. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. MCCAIN. Mr. President, again, the Senator from Florida has chosen to object. We just had a vote, 89–6, which probably would have been 94–6. This is not the way the Senate should function, Mr. President—1, or 2, or 3, or 4, or 5, or 6 Senators should block this important legislation. We are going to have a motion or a vote on the motion to proceed, and we are going to file cloture and we will begin the 30 hours that will bring us to final conclusion on this vote.

If the Senator from Florida wants an amendment, we will debate it. If the Senator from Florida wants to change the bill, we will discuss it. But for the Senator from Florida, with one more week to go before we leave, to continue to block consideration of this legislation, I think is clearly thwarting not only the majority of the Senate, but the majority of the American people. His own President was out in the Silicon Valley at a soft money fundraiser bragging about the fact that the Congress will pass the Internet Tax Freedom Act, as he raised $25,000 a plate in a soft money fundraiser. And he took credit for H–1B, which Senator ABRAHAM was primarily responsible for.

We are growing weary of this. It is time we move forward with this legislation. It is time we save this critical technology, which is absolutely vital to the future of this Nation.

Mr. President, I want to state my intentions again, after consultation with the majority leader. That is, on Thursday morning, there will be a vote on the motion to proceed. It will be another 89–6 or 94–6 vote. We intend to file cloture at that time, and then we will have cloture on the bill, which will then allow us 30 hours of debate. I might point out that, in this present scenario, 1 hour of debate post-cloture on the motion to proceed is allowed per Senator. We will finish this legislation and go to conference in the House and make sure that we don't choke this baby in the cradle—which is called the Internet—which is vital to the future of the economy of this Nation and the world.

I yield the floor.

Mr. GRAHAM. Mr. President, we voted a few minutes ago to invoke cloture on the motion to proceed to the Internet Tax Freedom Act. I opposed that motion to proceed, as did the Senator from Wyoming, Senator ENZI, and a few others. I think it is incumbent upon us to state why we opposed it and why we did not oppose it.

None of us who opposed the motion to proceed did so because we are antagonistic to high technology. None of us did it because we failed to appreciate the importance of the Internet system and the enormous contribution that it has made in disseminating information to peoples around the world. No one opposed it because we failed to understand the economic importance of this both in terms of the industry itself and how this information industry makes the rest of our economy more efficient and productive. And none of us did it because we are mired in the past, because we have some childhood addiction to the way things have always been. We understand that the world is moving at an increasingly rapid pace and that these technologies are an important engine of that progress.

But why I believe we did oppose this motion to proceed was to slow down the consideration of a body whose whole purpose for being is to be a deliberative body on issues that are of importance to this Nation and its citizens.

I believe there has been an effort maybe to minimalize the importance of this legislation, the Internet Freedom Tax Act, and to focus on it almost as a cliche: if you are for high technology you are for this bill. If you are opposed to high technology, you are opposed to this bill. That simplicity hides the real importance of this issue.

To me, that importance can be described under two labels. The first label, Mr. President, is fundamental fairness. If I were to use an example that I suggested to the Senator from Wyoming, Senator ENZI, earlier today: if Main Street was divided and all the stores on the left side of Main Street were under a requirement to collect sales tax on each of their sales and all the stores on the right side of Main Street were exempt from that obligation to collect tax on exactly the same sales, we would say that is unfair.

Why should the hardware store on the left side be required to collect sales tax and therefore increase the ultimate cost to its customers of the hammers and saws and nails that were purchased, but the hardware store on the right side be exempt and therefore have that competitive advantage? Everyone would immediately say, ''That's unfair. How could you tolerate such a situation?''

Well, we have essentially that situation today, Mr. President, as it relates to the sales that are made on both sides of Main Street where the sellers are required to collect State and local sales taxes, and remote sellers where you can pick up a catalog and order those same hammers and saws and nails and have them shipped to you by mail where there is no requirement of the seller to collect that sales tax. That creates a discriminatory situation in the marketplace.

This bill has as a principal objective to avoid discrimination against Internet sales. Now the question is going to be, Discrimination relative to what? To whom? Is it discrimination relative to the Main Street hardware store or is it discrimination relative to the catalog sale hardware store?

If it is the latter, then the Internet industry would be able to argue, ''We shouldn't have to pay any taxes either. We shouldn't have to collect taxes because the sales are made over the Internet any more than our catalog brethren are not required to collect taxes for sales made through the post office or through telephones.''

If, on the other hand, the question is discrimination against that Main Street hardware store, then the answer is the other way, that ''Yes, just as Main Street has to collect, you should have to collect.''

That issue of fairness then gets to the second issue of its effect on State and local governments. We in this Congress have had as one of our principal objectives to decentralize responsibility, to send more authority from Washington to the communities of America and support that principle. I am a Jeffersonian, and I believe the best government in general is that government which is closest to the people affected by a government's actions. But I understand, as we send more responsibility—whether it is in education or in health care or environmental protection or economic development—to our communities, that they are going to need a revenue base in which to carry out those responsibilities that we have just sent them.

This issue of discrimination of Internet sales has the potential of driving a major hole into the revenue sources upon which many States and local governments depend in order to provide those very services. The most at-risk service will clearly be education, since it is the largest responsibility of State and local government in terms of its importance to our future and in terms of its use of State and local resources.

So in my judgment, the most important education bill that we will debate in 1998 will be the Internet Tax Fairness Act because it has the greatest potential of fundamentally affecting what kind of education our children will receive in this and future generations.

So our reason for slowing this train down was to be able to elevate what I believe to be some very fundamental issues and provide us an opportunity to try to work through them so that we do not inadvertently, in the rush to show our support for high technology, have some very negative unintended consequences.

The good news, Mr. President, is those efforts have been underway for some time and I believe are close to bearing positive results. In the next couple of days, I anticipate there will be a meeting of many of us who were interested in this issue, from all points of view, to try to close the increasingly narrow gap that is necessary to have legislation that will achieve the desires of the sponsor, which is to give a pause and time and structure for thoughtful consideration of how the Internet transactions should be taxed for purposes of State and local government, as well as international transactions, and to allow the industry this brief period of moratorium from State and local taxes while a comprehensive set of policies is being developed.

What those of us who have been concerned about the rush to final judgment of this act have been seeking is to assure that that study will look at all of the means by which commerce is being conducted in America today so that we will receive from this moratorium and study a thoughtful set of policies that will not have the effect of eroding concepts of fairness in the marketplace and capacity of State and local governments to carry out their important responsibilities, particularly the education of our children.

So, Mr. President, those remarks are intended to de-escalate the emotion of this issue, elevate the importance of this to our Nation's future, particularly our future ability to prepare generations of Americans through quality education. And I express my appreciation to Senator WYDEN, to Senator ENZI, and to others who have been interested in this and have invested a considerable amount of their time, experience, understanding, and intellect in reaching a resolution that will be in America's interest. I believe we are close, and I look forward to reaching our destination.

I thank the Chair.

Mr. ENZI addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

Mr. ENZI. Mr. President, we just held a vote to proceed to debating the Internet tax bill. I did not vote to proceed to that bill, and I would like to take a minute to explain why I do not currently support the legislation that is before us. It doesn't have anything to do, as was said before, with whether we are high tech or not. I have been trying to get permission to bring a computer on the floor of the Senate. I work with the Internet. I understand how web sites work. I understand the advantages we could have with more utilization of computers. I understand how the Internet works, and I understand some of the spectacular advantages that we are already enjoying in this country, and some of the ones we could be enjoying to a greater level. I am not trying to keep that from happening.

There was mention in the motion to proceed that there was very little opposition. That is because it is a motion to

proceed. There would be a much stronger opposition if the bill were to be voted on right now, without some of the requests that we have made for amendments—amendments that I think are simple enough that they could have been agreed to as part of a package.

I want to say right up front that my vote was not a vote in favor of taxes. I want to reduce taxes. I want to stop new taxes—particularly at the Federal level. That is a goal we should all work toward. Federal income taxes, FICA taxes, unemployment taxes, and user taxes are always at the top of the list of burdens on working Americans and small businesses. I want to tell you that this bill doesn't reduce any of those taxes. This bill is an easy way for us to look good. We get to be the tax cutters by placing mandates on the other levels of government. We are tying the hands of local government to be able to finance itself, and we make ourselves out to be the good guys.

I wish all the Members who voted for cloture today would get as serious about reducing Federal taxes as they seem to be about reducing local taxes. This bill will create an unfair playing field. Congress does have a constitutional responsibility to regulate interstate commerce, and I understand the desire of the bill's sponsors to protect and promote the growth of Internet commerce. But I am concerned that we are picking the tax winners and the tax losers. I want to tell you, the local Main Street retailers will be the losers, unless we have some corrections in this bill.

There is also nothing in this bill to protect against fraud. The barriers to entry are so low in the Internet commerce and so hard to track that it is difficult to draw comparisons with catalog companies. Catalogs can be tracked. Those orders can be tracked. The Internet is a whole different problem.

The fraud that can exist in it can go so far as to have a retailer in a town set up an Internet web site in a State that does not have sales taxes. And when you go to purchase in that store, you would purchase through their other corporation in that tax-free State and free yourself from paying any sales tax. That is nice if you do not have to pay sales tax, except most of the States in this Nation rely on some form of sales tax for education money. Some States, including mine, rely on sales tax. There is no income tax in Wyoming. There is no income tax in several other States. There are provisions in the bill for States that do not have income tax to be represented on the commission. I think it is imperative that there be a provision in this Internet bill that those States which do not have an income tax but do have a sales tax also have representation on that committee.

There should also be a requirement for legislative suggestions from the commission. Right now the commission in this bill is required to give a report. A report on what? I think it ought to be much more specific than that and actually get into the instructions for legislation, the actual wording for the legislation that would ensure an end to the moratorium and be sure that we have something we can actually use. There should be a strong reporting requirement for the commission.

I look forward to debating this bill in the coming days. I am not opposed to the idea, but I think we have to move closer to the House version of the bill. The House bill does empower the commission to look at the remote sales issue. It does require the commission to produce legislative recommendations. These are important components of the bill that are necessary to keep it fair for small retailers and small governments.

I come from government that is closest to the people. I was a mayor for 8 years, and I served in the State legislature for 10. In Congress, we make decisions every day that affect the lives of millions of people, but they do not live at the Federal level. They live at the local level. In local government, you make decisions every day that affect the lives of your friends and neighbors, ones who know you and know what you are working on. There is a big difference.

I am very concerned with any piece of legislation that mandates or restricts local government's ability to meet the needs of citizens, and this bill does exactly that. It may not seem like a big restriction, and it may not exceed the $50 million limit that Congress set in the Unfunded Mandates Reform Act, but it does establish a national policy against State and local government interference. It takes an affirmative step that ties the hands of local government.

What am I asking here? I am asking that we actually talk about some of the amendments that we need to have that maintain the status quo for State funding—not increases the tax, not decreases the tax, maintains the status quo. There are States that rely on this tax at the present time, and I will do everything I can to make sure that we do not take away the possibility, or the right, for those States to continue to operate.

We have to plug the loophole of the possibility for fraud, the possibility for fraud during the 2 years that there is a moratorium. If that gets established and allowed, we will have some of that happening for the rest of the time, and States again relying on the money will not have it.

That is a brief explanation. I will have an opportunity, I am sure, to expand on those considerably, but we do have concerns. That is why we are trying to make sure that we have an opportunity to have those addressed and to make sure they are addressed up front.

I thank the Chair and yield the floor.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 12:30 p.m. with time equally divided between the Senator from Minnesota, Mr. WELLSTONE, and the Senator from Vermont, Mr. JEFFORDS, or their designees.

Ms. COLLINS addressed the Chair.

The PRESIDING OFFICER. The Senator from Maine is recognized.

Ms. COLLINS. Mr. President, I yield myself 15 minutes from the control of the time of the Senator from Vermont, Senator JEFFORDS.

The PRESIDING OFFICER. The Senator from Maine is recognized.

HIGHER EDUCATION AMENDMENTS OF 1998

Ms. COLLINS. Mr. President, as a Senator from a State with an excellent records of accomplishment at the secondary education level, but a discouraging low rate of participation in higher education, I am extremely pleased to rise in support of the conference report on the higher education act amendments of 1998. Mr. President, I have had no higher priority than bringing this important legislation to completion this year.

I am very proud of the record of Maine's primary and secondary schools. We have one of the lowest high school dropout rates in the country, and we rank in the top third of the Nation for residents over 25 years old with high school diplomas. More important, the academic achievement of our schools is impressive. Education Week's ''Quality Counts'' assessment found that the performance of Maine's students in mathematics, science, and reading was at the very top of the Nation.

Unfortunately, Mr. President, there is one dark cloud in this otherwise very bright and sunny picture, and that is the low rate of participation in higher education by Maine's high school graduates. That low rate results not from a lack of interest or lack of ability, but rather from a lack of opportunity. The legislation we are considering today holds the key for young people of limited means to get through a door that, often for financial reasons, would otherwise remain closed to them.

This reauthorization of the Higher Education Act continues the historic commitment begun 40 years ago when Congress enacted the National Defense Education Act. In the NDEA, Congress stated, ''The security of the Nation requires the fullest development of the mental resources and technical skills of its young men and women.''

In 1958, Congress was thinking of security in terms of the cold war and the recent launch of Sputnik by the Soviet Union. However, Mr. President, this statement remains equally valid today—although the challenge to our

national security is greatly different. Today, we face an internal threat—not the threat of the rapidly advancing technology of a foreign enemy, but the quiet threat of failing to provide educational opportunity to all our citizens. Those deprived of that opportunity lose the chance to participate in our Nation's bright, technology-based economic future.

Given the well-established relationship between educational attainment and lifetime earnings, the consequences of not affording educational opportunity to lower-income Americans are predictable. Indeed, the result is a vicious cycle, in which the income gap leads to an education gap, which in turn leads to an even more pronounced income gap. Unless steps are taken to close the education gap, one that is rooted in economics rather than in ability, we lock the children of America's lower income families into a self-perpetuating cycle of inadequate education and low income.

The Higher Education Act seeks to close that education gap. It assumes that all qualified high school students graduating are entitled to higher education and strives to make this a reality through a program of grants, guaranteed loans, and Opportunity Programs.

The grant programs authorized by the Higher Education Act are the most important part of our attempt to assure access to higher education. Nationwide, Pell grants have assisted millions of students in obtaining postsecondary education. In Maine, 15,000 students were awarded $24 million in Pell Grants last year. In addition, Maine institutions received more than $6.5 million in Supplemental Education Opportunity Grants, which they distributed to the most needy students.

My strong belief in the importance of grant aid in expanding access to higher education has led me to introduce several bills to increase the level of Pell Grants for which students can qualify. One of these bills, the Working Students Income Protection Act, eliminated an unfair penalty that is imposed on low-income students who work to pay part of their educational expenses—just the kind of thing we ought to be encouraging. The bill was incorporated, I am pleased to say, into the Higher Education Act Amendments and, as a result, students may now earn $2,000 a year more before their Pell Grants are reduced.

The act also reflects my efforts to ensure that the formula used to calculate the amount of a student's Pell Grant reflects the true costs of dependent care. As we increase the maximum level of Pell Grants, we approach the point at which this arbitrary cap of $750, which is in the current law, would limit Pell Grants to some of the most deserving students—those balancing caring for their children and going to college. The changes in the Higher Education Act will prevent such students from having to choose between supporting their children and pursuing higher education.

In addition to Pell Grants, the Higher Education Act has provided funding for a joint Federal-State effort to award grants to needy students. This program is known as the State Student Incentive Grants Program. This bill incorporates a proposal authored by Senator REED of Rhode Island and myself to not only maintain this important program, but to expand it to fund a series of other State efforts to promote access to higher education for low-income students. This year, for every dollar in Federal SSIG funds, my State of Maine is contributing almost $50, and the result is that 10,000 students will receive a total of $5 million to further their education.

Mr. President, the combined Federal and State grant aid based on the Higher Education Act totals more than $35 million to students in Maine who are enrolled in institutions of higher education. This represents a direct investment in equal opportunity and bright futures for Maine families.

The other major financial assistance program in the Higher Education Act is the guaranteed student loan program. This reauthorization assures that students will continue to have access to both private loans, as well as those that come directly from the Department of Education, and it establishes the lowest interest rate in 17 years for guaranteed student loans. This is good news, indeed.

Mr. President, unless individuals from disadvantaged social and economic backgrounds aspire to higher education, no amount of financial aid will help them. Therefore, in reauthorizing the Higher Education Act, we are continuing a very successful effort by the Federal Government to put higher education on the radar screens of disadvantaged youths through the Opportunity or Trio Programs.

In my home State, TRIO programs, such as Talent Search and Upward Bound, have lifted the aspirations of thousands of young people who otherwise never would have even considered postsecondary education. I am very pleased to have worked for the extension and improvement of these programs along with the creation of an exciting new program known as Gear Up, through which colleges will reach out to entire middle school classes.

I have had the opportunity to visit outstanding Upward Bound programs at both the University of Maine at Orono and the University of Maine at Presque Isle. The high school students in these programs were enthusiastic, challenged, and so excited about their opportunities. As one student told me, ''No one in my family has ever been to college. I had no idea that college could be part of my future—Upward Bound has given me confidence and experience; it's opened my eyes to all sorts of new opportunities.''

The Federal Government cannot guarantee equal educational achievement, but we can take steps and must take steps to guarantee equality of access by removing the barriers that prevent students from lower- and middle-income families from pursuing postsecondary education. That is the very purpose of the Higher Education Act. Its student loan programs have assisted countless students in overcoming the financial obstacles to higher education while its opportunity programs, such as Upward Bound, have an admirable record of breaking down the social and academic areas.

Despite our successes, the statistics show that we have not yet done the job. The education gap still exists, and to close it we need to reaffirm and extend our commitment to equal access to education. Establishing equality of opportunity is the ultimate goal of the Higher Education Amendments of 1998.

The American people expect their Government to prepare our Nation for the next century. I can think of no better way to carry out that responsibility than to assist today's young people in realizing their full potential to become not just productive members of society but also the leaders upon whom America's future depends.

I am pleased to have played a role in bringing this very important legislation before the Senate today. I thank the Chair and yield the floor.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER (Mr. ENZI). The Chair recognizes the Senator from Minnesota.

Mr. WELLSTONE. Mr. President, before I yield 5 minutes to Senator MURRAY, serving on the same committee, the Labor and Human Resources Committee, I thank Senator COLLINS for all the work she put into this piece of legislation. She clearly not only has a higher education background but she is very committed to education. It is wonderful to see Senators who have her commitment, and I thank her for her work.

Mr. President, I yield 5 minutes to the Senator from Washington.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. I thank the Chair. I thank my colleague from Minnesota for yielding me time.

Mr. President, as a member of the conference committee, I wish to express my deep appreciation for the committee's work and its leadership in crafting the higher education reauthorization bill that is so vital to our country's future. This bill is a major victory for students and teachers across America. The committee provided the opportunity to hear from countless witnesses from across the Nation who testified on everything from default rates to job hunting, campus crime to child care.

Mr. President, throughout the committee's effort on this bill, I worked to strengthen our Nation's commitment to providing the strongest training possible for schoolteachers. I am most

pleased with the bill's focus on teacher training and, in particular, its emphasis on technology training.

A year ago, I introduced the Teacher Technology Training Act to add technology to the areas of professional development and teacher training that are included in current law. I thank the chairman and the ranking members of both sides for their cooperation and support in adding these critical pieces to the bill.

The work of the committee on the teacher education provisions is really very historic and is a drastic overhaul of the previous teacher training section. Teacher quality grants will institute State level reforms to ensure both current and future teachers will possess the skills and academic knowledge to teach children effectively in their assigned areas. As a member of the Labor Appropriations Subcommittee, I will fight to ensure that this section is finally funded at a level that does make a difference in the classroom.

This teacher quality section particularly highlights training in the effective use of technology in our classrooms. All of us have witnessed the tremendous impact that technology now plays in our daily world. It affects the way we communicate, the way we conduct commerce, and the way our children learn in school. Young people today are in the midst of a technology explosion that has opened up limitless opportunities and possibilities in the classroom. In order for students to tap into this potential and be prepared for the 21st century, they have to learn how to use new technologies. But all too often teachers are expected to incorporate technology into their instruction without being given the training to do so.

We simply cannot allow students to teach our teachers in the rapidly expanding area of technology. I have toured several teaching schools and found them well supplied with up-to-date equipment. However, teaching students are often not provided adequate instruction in the use of that technology beyond simple communication purposes. It is not enough for a teacher to be able to just e-mail. They must use this education technology to advance their curriculum and to provide their students with resources along the information highway.

Last year, amazingly, just 10 percent of new teachers reported that they felt prepared to use technology in their classrooms; and only 13 percent of all public schools reported that technology-related training for teachers was mandated by the school, the district or teacher certification agencies; and only 18 States required preservice technology training.

This act will significantly turn those numbers around and provide our teachers with the training so critical to harnessing new technologies. So, again, I thank the conferees for their leadership on this effort. I also thank my colleague, Senator WELLSTONE, for his work on the TANF amendment. It is so important for literacy instruction and lifelong learning. I know this issue remained unresolved, and I hope my colleagues will listen to Senator WELLSTONE and will soon see the direct link between educational opportunities and economic self-sufficiency.

I believe this first generation of the new millennium will benefit immensely from the efforts put forth over this past year. From increases in financial aid, to campus security improvements, to technology instruction, this legislation will stand as a proud trademark of this Congress.

I thank the Chair. I yield my time back to my colleague from Minnesota.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, I thank the Senator from Washington. I also echo what I said. There are some Senators here who have really dug into the committee. The same could be said for the Chair, who is on the Labor and Human Resources Committee. I think this is a bipartisan effort. I love Senator MURRAY's passion for children and education. I say to the Senator from Washington, I think probably more people and more families in Washington, Minnesota, Wyoming, and the country are more focused on education right now than any other issue. The Senator has been a real leader in the area, and I thank her.

Mrs. MURRAY. I thank the Senator.

Mr. WELLSTONE. Mr. President, I also want to thank colleagues on both sides. Senator JEFFORDS has done a great job in our committee. I feel a little awkward because there is a lot in this higher education bill that I worked on myself and with other colleagues in the committee. I think this is a good piece of legislation. I was pleased to vote for it. I am very pleased with the bill's distance education provisions, which I worked on a great deal. I think the Chair also is very interested in these issues, and we worked together on this portion of the bill. Distance education is very important for those of us who come from communities where we really still have strong rural parts to our States.

I think the bill's focus on applying Pell grants to summer school is really important, especially for our ''nontraditional students,'' students who are older and going back to school. The bill's coordinated response dealing with violence on campus between local law enforcement and the institutions of higher education is real important; the bill's coordinated response to the problem of binge drinking also is terribly important.

I think there is much in this higher education bill that is important for our country. I thank colleagues. I also thank Roger Wolfson, who has been working with me, on my staff, and has really been responsible for some of the good amendments that we were, working with others, able to incorporate into this legislation. I have not covered all in this legislation that I feel very strongly about.

But I want to speak to one flaw in this higher education bill. I am going to speak about this with, I guess, some indignation. When we passed this higher education bill on the floor of the Senate, there was an amendment that dealt with the welfare bill, though it was an amendment to the higher education bill—and that is where it should have been. It passed 56 to 42; 11 Republicans joined Senate Democrats in supporting the provision. There were over 125 higher education and civil rights organizations that supported this amendment; there were strong editorials in the Boston Globe, the New York Times, Minnesota Star and Tribune and other newspapers around the country. As I think about Senators who were out here on the floor speaking about this, the Senator who maybe spoke with the most eloquence, certainly the strongest feeling, was the Senator from Kentucky, Senator FORD.

Any number of Senators supported this amendment which I am about to describe, even though they also supported the welfare bill. I did not support the welfare bill. They did. I will talk about that in a moment. But this amendment said nothing other than this: That any State that wanted to would be allowed to allow a parent, a welfare parent—almost all of these parents are women; I think the Chair, from what I know of him, would agree with me that men ought to be taking more responsibility for their children as well—that when it comes to single parents, mothers—we would allow States to allow these women to complete at least 2 years of higher education without having any State penalized for doing so.

Wyoming would not have to provide these two years, Minnesota would not have to provide these two years, but if Wyoming and Minnesota decide it would be better for these women to be able to complete 2 years of higher education, which could be vocational-technical or another program like a nursing assistant program, then the State should be able to do that and the State would not be penalized. It would not count against the State meeting its work participation requirement.

That amendment passed the U.S. Senate, and then it went to conference committee.

Mr. President, this is a single photograph. It is of Troyce Williams, but there are a lot of women like her. This all translates into human terms. She is a single mother of four children who is at the Minneapolis Community College, a community and technical college, at which she is trying to get her higher education completed. There are many, many women like her.

What I felt good about as a Senator was that after this amendment passed, we got all sorts of calls and all sorts of letters from people all across the country. This was an amendment that

would have really made a difference. It would have really made a difference because what a lot of people in our community colleges and in our higher education community were saying was that we were going to speak up for our students. This was a mistake we made when we passed the TANF. When we passed the welfare bill we probably should have been clear at the Federal level we would have some language that would give States the flexibility, if they wanted to, to allow these parents to complete at least 2 years of higher education.

Now I am not going to bore anybody here today about all of the statistics that make the point that every single citizen in this country understands: If you are able to go on and complete 2 years or 4 years of higher education, you are going to be in a better position to find a good job and give your children the care you know they need and deserve.

This amendment passes. Then we go to conference committee. I am just furious about what happened in conference committee. We met, and the House conferees, the majority House conferees, Republicans, said no to the amendment, and they were not interested in talking about anything else by way of maybe something else we could do that would make a difference.

Mr. President, it is just simply bitterly ironic that the very women who are on the path to economic self-sufficiency, because they are trying to complete at least 2 years of higher education, all too often get driven out of school because States feel like they will be penalized if they do not get these women into the workforce. Then they get into the workforce and they find a job at $6 an hour, and then 1 year later they lose their medical assistance and they and their children are worse off. Whereas, if they could complete 2 years of higher education they would be better off.

We come to conference committee and I am just going to repeat what happened. I do no damage to the truth, because I want to make a point about what is at stake here—not just on this amendment but, sort of, politics in our country. The Chair may not agree with me, but I get to speak my piece on the floor of the Senate.

Now, the Republicans in the House come in and they say, ''We want this Wellstone amendment out.'' Forget my name. I am not important. ''We want this amendment out.'' And I will not use names because there is no one here to debate me and that would not be fair. On the House side, they are not here to debate me. So the person who is kind of the point person in making this argument says, ''This would be a terrible amendment.'' And then I hear everybody saying, ''This welfare bill was hallmark legislation. It is the best thing we have done in a half a century. It is so successful that we cannot touch it—this is nothing less than an effort to undermine this welfare bill.''

Mr. President, first of all, a lot of people who voted for this amendment did not vote for this amendment to undermine the welfare bill. They thought it was a modification that was needed. They thought that the welfare bill would work better if we allowed States to allow these women to complete at least 2 years of higher education. But I am going to make another point.

I then turned—and for all I know the Chair was there at the conference committee—I turned to people who made this presentation and I said you keep talking about how successful this welfare bill is, and you talk about the number of people who are no longer on welfare, the number of women and children who are no longer on our welfare rolls. That is true; maybe 4 or 5 million fewer people.

My question for you, since you told me how successful it is—even though I would rather debate this in a higher education framework, let me raise this question. Let me raise this question on the floor of the U.S. Senate. We have seen a dramatic reduction in the welfare rolls. Have we seen a dramatic reduction in poverty? Can any of you, from any State, provide me with any data as to where these mothers and children are, what kind of jobs are these mothers receiving? What are the wages? Is there child care available for their 3- or 4-year-old? And when their first and second graders come home alone, sometimes in very dangerous neighborhoods, is there anybody there?

I have said this on the floor of the U.S. Senate. I am going to say it again. We all say how much we love children. These children count, too. There are children—I know, I have been in these neighborhoods—that go home alone, now, because their mothers are working. They are 7 years old. And they are told to go into their apartment and to lock the door and to take no phone calls, and don't go outside. There are children, when there is beautiful weather, they don't play outside because there is nobody there to take care of them. And these single mothers who are working are terrified as to what might happen to them.

I asked my colleagues on the Republican side in the House of Representatives, because they eliminate this amendment, since they are talking about how successful the welfare bill is, could they provide me with data? Not one of them could; not one of them.

I will debate anybody on the floor of the Senate, and I will debate anybody on the floor of the House on this question. The Swedish sociologist Gunnar Myrdal once said, ''Ignorance is never random.'' Sometimes we don't know what we don't want to know. We don't know what is going on in these States. We don't know what is going on with these mothers and children.

I can't believe how punitive people can be. I can't believe how harsh they can be. Not one single argument was made against this amendment. Not one bit of data was presented to show that these mothers and these children are better off now, but they just eliminated it because they had the majority.

I am not whining. I am telling people in the country that this one small example, one small story, tells a larger story about what is at stake.

I am not out here, by the way, to defend the President's behavior, but I don't think the President is the issue this fall. He is not on the ballot. He will never be on the ballot again running for President. This election, I say to people in Minnesota and people around the country, is about you.

I just ask, what are these kinds of priorities? Just eliminate an amendment to the higher education bill that allows States to allow women, mothers of small children, to complete 2 years of higher education so they and their children will be better off? Eliminated.

Do you know that this past June, America—I think it was in June—in the same week this Republican majority voted to give a tax break to people with estates worth more than $17 million, they voted to eliminate the Low-Income Home Energy Assistance Program and voted to eliminate summer jobs for kids? Unbelievable.

People go to their pollsters and say, ''What are the issues people care about?'' The same Republicans who knocked out this amendment found out it is education—people care about education. They learned how to talk about education—I said ''talk about education''—but they have cut funding for education. They have cut funding for K through 12 education.

It is interesting. We are at a crossroads with education. We are going to see a dramatic increase over the next 10 years by about 10 percent of high school students and about 6 percent of middle school students. The average age of our public school teacher is 50. We are going to need to hire about 1.3 million teachers in our country. We can have all sorts of men and women coming into education with creative new ideas, new energy, and all the rest—it is a golden opportunity—but we can't take advantage of a golden opportunity on a tin-plate budget.

The same people who are in the majority in the House of Representatives—so punitive, so harsh, so little compassion—voted to deny a single parent, a mother, the opportunity to finish 2 years of higher education so she can do better for her children. They gave a tax break to people with estates worth more than $17 million, but in the same week they eliminated the Low-Income Home Energy Assistance Program so that in my cold-weather State, elderly people, families with children, have a choice of eating or heating, but not both. They eliminate low-income home energy assistance, so people go cold in the winter, and knock out summer jobs for kids. They give speeches about being for education and children and then cut the budgets.

That is what is at stake this election. That is what is at stake. My strategy

would be for people to turn out this fall. I think the Republican strategy is for people to be turned off this fall, low turnout.

I hope that from this example people in the country will realize that there is a lot at stake. If you care about a good education for all of our children, if you are committed to the idea of living-wage jobs, if you are committed to the idea of decent health care for every citizen, if you are committed to improving the standard of living for all the people in our country, if you believe that economic and educational opportunities are important, then I make this appeal to people in the country: Don't let people turn you off to politics.

This election this fall is not about President Clinton. We can talk about his behavior at another time. Nobody needs to approve of it. I don't know of anybody who does. But this election, I say to people in the country, is about you; it is about your families. This election this fall—the President is not on the ballot—is about these kinds of issues.

I hope people will turn out. I hope you will vote for education. This amendment was knocked out of the higher education bill in spite of the good support of Senator JEFFORDS. We supported it on the Senate side. I tell you, this GINGRICH-House Republican majority agenda is harsh, it is mean-spirited, and if you are committed to education for children, make sure you vote this election. If you believe in the importance of health care and you think good jobs are important, just make sure you vote this election. If you think it is wrong in the same week in the House of Representatives to give a tax break to people with estates over $17 million and eliminate the Low-Income Home Energy Assistance Program and eliminate summer jobs for kids—that is exactly what this majority did in the House—you make sure you vote this election.

If you are angry at people in Washington, DC, and the U.S. House and the U.S. Senate because you think that neither party is doing enough about your concerns and you think too much of our decisionmaking is dominated by special interest or big money or you feel locked out or all the rest, make sure you vote. Don't opt out. Don't let people turn you off. There is a lot at stake in elections in our country, and this is but one example.

I will get to speak more about this after our caucuses. I see my colleague, Senator GRAHAM. I wanted to start out congratulating my colleagues for the good work on the higher education bill.

Roger Wolfson, thank you for your help.

I want to tell you that what happened in the conference committee is just outrageous. There is nothing I can do about it, not now. I will bring this amendment back on the first bill I can amend. Of course, for the last couple of weeks there hasn't been an opportunity to amend any bills. I want to make sure people understand what is at stake.

In my not too humble opinion—and the Chair is a good friend; I really like him, and I hope it is mutual, so I don't mean this in a personal way—but what is at stake in these fall elections is critical.

I say to people in the country, this small story tells a larger story. I shudder at the thought of Speaker GINGRICH or, for that matter, on the Senate side as well, there being even more of a majority or more power, because I think it will be an agenda that will move our country back 60 years. People have learned how to talk about education, I say to my colleague from Florida, but the budgets don't reflect that. On the House side, they cut funding for education. There was no action whatsoever on health care. There is very little concern about what I call some really important family-value issues, and this is but one example.

Mr. President, I yield the floor to my colleague from Florida.

Mr. GRAHAM addressed the Chair.

The PRESIDING OFFICER. The Senator from Florida.

Mr. GRAHAM. Mr. President, is there a set time for the recess?

The PRESIDING OFFICER. There is a set time for the recess, 12:30 p.m.

Mr. GRAHAM. Mr. President, I ask unanimous consent that I be allowed to speak until 12:35.

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

(By unanimous consent, the remarks of Mr. GRAHAM are printed earlier in today's RECORD.)

MEASURE READ FOR THE FIRST TIME—S. 2529

Mr. GRAHAM. Mr. President, I understand that S. 2529 is at the desk, and I ask for its first reading.

The PRESIDING OFFICER. The clerk will read the bill for the first time.

The bill clerk read as follows:

A bill (S. 2529) entitled the Patients' Bill of Rights Act of 1998.

Mr. GRAHAM. Mr. President, I now ask for its second reading, and I object on behalf of the Republican leader.

The PRESIDING OFFICER. The objection is heard.

The bill will be read the second time on the next legislative day.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate will now stand in recess until the hour of 2:15 p.m.

Thereupon, the Senate, at 12:39 p.m., recessed until 2:14 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [Mr. SANTORUM].

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 3:15 p.m., with time to be equally divided between the Senator from Minnesota, Mr. WELLSTONE, and the Senator from Vermont, Mr. JEFFORDS, or their designees.

Mr. FORD addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

HIGHER EDUCATION AMENDMENTS OF 1998

Mr. FORD. Mr. President, what is the legislative schedule now?

The PRESIDING OFFICER. There is an hour of morning business under the previous order equally divided between the Senator from Minnesota, Mr. WELLSTONE, and the Senator from Vermont, Mr. JEFFORDS.

Mr. FORD. I thank the Chair.

Will the Senator from Minnesota give me 10 minutes?

Mr. WELLSTONE. I will be pleased to yield the Senator from Kentucky 10 minutes.

The PRESIDING OFFICER. The Senator from Kentucky is recognized for 10 minutes.

Mr. FORD. Up to 10 minutes.

The PRESIDING OFFICER. Up to 10 minutes.

Mr. FORD. I may give back some.

I rise to speak about the conference report to H.R. 6, the Higher Education Amendments of 1998. I take this opportunity to commend my colleagues on the conference committee for the truly outstanding work they have done on behalf of our Nation's students and the higher education community. This legislation includes an important expansion of the Pell and work study programs, provides the lowest interest rates in 17 years for student borrowers, provides for loan forgiveness for teachers working in high poverty areas, and makes a continued commitment to improving our teacher preparation programs.

I know that the passage of this bill will have a significant impact on students and colleges in my State. While I am pleased with many provisions in this bill, I am extremely disappointed that the conference committee did not include the text of the Wellstone amendment. This amendment allowed up to 24 months of postsecondary or vocational education, removed the 30-percent limitation on education as a work activity for teen parents, and clarified that participation in a Federal work study program is a permissible work activity.

Instead, the conference report calls for a GAO study on this issue. I am personally aware of at least a half dozen studies—a half dozen studies—which already indicate that this is a problem for many low-income, single mothers. Why do you have to have a study to tell you that the more education you have the better job you can receive and the better the employer likes you? Instead of doing the right thing for these

single mothers, trying to better themselves, our colleagues want to study the issue to death. What they ought to do is try living in the single mother's shoes for a day and see what it is to try to raise a family and attend school full time, while holding down a part-time job.

As many of my colleagues know, I supported and voted for welfare reform. It has been almost 2 years since Congress rewrote our Federal welfare laws in the hopes of breaking the cycle of dependency that was trapping too many Americans in poverty and despair. Much good has come of that law, including substantial drops in the welfare rolls and saving States like Kentucky $14 million. But despite its good intentions, the new welfare law is penalizing parents, particularly single mothers trying to improve their chances at getting good jobs.

Under the new law, a parent must work 20 hours to continue receiving aid. That might not seem particularly onerous, but the law also limits these single parents to just 1 year of education before requiring them to find work. As a result, too many promising, capable, nontraditional students are being forced out of postsecondary education due to the Federal restrictions.

My State is not a wealthy State. There are many single mothers trapped in the cycle of poverty. Recently, the University of Kentucky released a study which demonstrated that higher education greatly increases a person's ability to earn a living. The study found that a parent living in rural Kentucky needs to earn at least $10.61 an hour working full time, or $19,708 a year, to support two children on a basic budget. The study found that only women with a college degree—and let me repeat, only women with a college degree—earn above that threshold in Kentucky. This same study found that single mothers with a high school degree never, never reach that threshold. In fact, the average income for Kentucky women of any age with a high school degree is only 67 percent of that benchmark.

My State wants to go forward and help these women help themselves. A bipartisan bill in the 1998 Kentucky general assembly to improve access to education for welfare recipients was ultimately scrapped. Why was it scrapped? Due to the fear of Federal penalties. The State wanted to extend the opportunity, particularly to single mothers, and they were fearful because of Federal penalties.

I know the Wellstone amendment was perceived by some of my colleagues as an effort to undermine the welfare law and had little business being attached to a Higher Education Act. I am sorry that these colleagues decided to frame this issue in such a way. This was an amendment about education. This was an amendment about education. Education is the key to helping parents escape the low-paying jobs that only perpetuate the welfare wheel. If these single mothers have just a little more time to get an education, they will be able to compete for higher paying jobs which will help them keep their families from sinking.

Although I will not be here next year, I am heartened by the fact that there will be joint hearings on this issue and that my colleague from Minnesota, Senator PAUL WELLSTONE, will continue to advocate for this change.

I urge my colleagues to learn more about this pressing problem, pay full attention to these hearings, and talk to people in your State. I believe that my colleagues will find that this is a commonsense fix that will improve the welfare law. As someone who voted for this bill, I reiterate the Wellstone amendment was not about trying to undo welfare reform, but an attempt to help single mothers caught in a Catch-22. The Wellstone amendment is about helping families help themselves. I hope my colleagues will look beyond party lines next year and do the right thing.

I thank my friend from Minnesota and I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, I know the time in the Senate for my colleague, Senator FORD, is limited. But I want to say to him, when we received 56 votes for this amendment on the floor of the Senate, in the aftermath of that a lot of people were just thrilled around the country, especially a lot of these mothers and a lot of the higher education community and a lot of States like Kentucky, and others that wanted to allow mothers to complete 2 years of education. I am not naive about this. I don't think we would have ever gotten the 56 votes if not for the voice of Senator FORD.

I wish he would not be leaving here. I don't think there is anybody more respected. I know we all come out here on the floor and we say these things about one another. But, you know what, I am sure most of the time it is sincere, but in the case of Senator FORD, when I hear him speak I just wish he wasn't leaving.

I think what happened with him and certainly what happened with me is I would travel in Minnesota and I would go to community colleges and maybe speak at a gathering. Maybe there would be a couple of hundred students, the majority of them were women, most of them were older, most of them were going back to school, and a good number of them were single parents. Their plea was: Please, Senator WELLSTONE, the only thing we are asking is try and let us finish our 2 years here.

Mr. FORD. May I say to my good friend, I found the same thing, too. We have several community colleges around the State. I have not talked to an employer yet who said he would not prefer to have an employee that was better educated. I have never talked to those from academia who would not tell me that at least, the minimum, 2 years of education would give, particularly a single-parent mother, the opportunity to secure the $10.91 per hour that was necessary to keep that family out of poverty. That is just a little over $19,000 a year to take care of three people. That does not sound like much. But you give them an opportunity to earn and compete. That is what this bill is all about, I thought, under welfare.

So, somehow, some way, our colleagues are going to have to understand the employer wants a better educated employee; the single-parent mother particularly wants to be able to get out of poverty and get away from that cycle. Whatever you can do next year—you don't have to have a study to understand that.

Mr. WELLSTONE. No.

Mr. FORD. I don't understand. They just tried to throw a wet blanket on it to say it was undoing welfare reform because, after we have had it in place for 2 years we found there was a kink in it? I didn't know that we were perfect.

Mr. WELLSTONE. Mr. President, the other thing that was interesting, this amendment just allows States to do this if they want to. No State was required to. Any State that thought it would be better for many of these women and children and their families, to allow these women to finish 2 years of education so they get a better job and their children would be better off, would be allowed to do so.

I will just say to my colleague from Kentucky, I was there in the conference committee. I think it was punitive for this amendment to be eliminated. I never heard anybody make a credible argument against it, I really didn't. There was not any credible argument made against it. I said here this morning, and I will say it one more time, I think this small story tells the larger story, the same Republican majority in the House, as we look to the elections in the fall, the same Republican majority in the same week in June—one more time, this bears repeating—voted to give a tax break to people with estates worth more than $17 million and at the same time voted to eliminate the Low-Income Home Energy Assistance Program and eliminate summer jobs for kids.

This is a kind of meanness that I think is just simply not the best for America. I want to say to all of my colleagues, I am going to really miss having Senator FORD with me. The first bill that comes out here, the first vehicle—if it is tomorrow, it is tomorrow; if it is next week, it is next week; if it is after, in January or February—I am going to be coming right back with this amendment again, right back with this amendment again. Because all across our country there are a lot of these women who have just essentially been driven out of school.

I cannot believe that is what we are doing. There is not one person I know,

just on the basis of common wisdom about this, who doesn't know that a mother and her children are going to be better off if those mothers are allowed to complete 2 years of higher education. So we will be back. We will be back and we will pass this amendment.

Mr. President, I, again, will just finish speaking about this amendment if I refer to Latashie Brown, who is a single mother in her thirties from Minnesota. She decided to return to college to enhance her nursing skills and improve her earning power.

You have a single mother, she wants to go back to school, it is 2 years to get that associate's degree to go into nursing, to be a nursing assistant. And too many women like Miss Brown are just essentially being told you have to leave school because the States get penalized for not meeting the work requirements. We will be back.

CRISIS IN AGRICULTURE

Mr. WELLSTONE. Mr. President, I also want to bring up one other matter on the floor today because we are in another fight. You know, it seems like, with about 2 weeks to go, there is a whole lot that is actually going on here in the Congress. I think the tragedy of it is people may not be aware of all of it. But I will tell you, one issue that people in Minnesota, especially the farmers and people in greater Minnesota, are well aware of—we have a crisis in agriculture. We have a lot of people who are faced with record-low prices. There is no way farmers can cash-flow on the basis of $1.40 a bushel of corn.

Those farmers are being driven off the land. As those farmers get driven off the land, that is the death knell for many of our rural communities because it is those family farmers who live in those communities and buy in those communities that support our schools and support our small businesses and support our churches and support our synagogues—you name it. That is what is happening.

We put together a $7 billion package. Senator BAUCUS from Montana was part of that effort. I was hopeful because, whereas before our August recess I heard Senators come to the floor and say ''stay the course.'' The Freedom to Farm bill—which I call the Freedom to Fail bill—it is the market. Stay the course. Stay the course.

I was thinking to myself, it is easy for people here to say ''stay the course'' while farmers in Minnesota are just being driven off their land.

That changed. Now, finally I think, at least I hope that everybody recognizes there is a crisis out there. I also believe that many people realize this Freedom to Fail bill is not working. We just eliminated the leverage for farmers to get a fair price in the marketplace. We capped the loan rate at $1.89 for a bushel of corn.

What in the world are we doing supporting a piece of legislation that keeps prices down when prices have plummeted to the point where you could be the best farmer in the world and you cannot make it?

So we put together a $7 billion package that has indemnity payments for farmers that have experienced crop failure and have had to deal with scab disease, had to deal with terrible weather like wet weather in Northwest Minnesota, and we did a couple of other things, the most important of which was to take the cap off the loan rate so that we could get the prices up and have some kind of safety net for farmers who otherwise are going to go under.

Mr. President, we had a farm rally in Worthington, MN, just Saturday a week ago—not this past Saturday. There were petitions—I won't include them in the RECORD because there are too many—there were petitions that were passed out that talked about the importance of a fair price for family farmers.

I thank all of the farmers and small business people and lenders who came to this rally—almost 1,000 people were there—in Worthington. These petitions are going out all across our State. Ted Winter, who is house majority leader, a farmer himself, has been one of the people who has taken the lead.

This is a plea from Main Street businesses in rural America, a plea from family farmers, a plea from rural citizens. They are saying to people in the U.S. Senate, ''We are not asking for a handout, we are asking for a fair shake. We are asking you to take some action that corrects a major deficiency in a piece of legislation you passed''—the freedom to fail bill—''which is great for the grain companies but puts us family farmers under.''

What we got yesterday by the same Republican majority that I was talking about earlier—you talk about partisanship. I don't know if it is partisanship on the floor of the Senate right now or just an honest-to-goodness debate. I argue that any majority that gives away a break to people who have over $17 million estates and cuts low-income energy assistance—those are priorities that are distorted priorities. I don't think that is the goodness of our country.

I argue that any majority that eliminates an educational opportunity for a single parent and her children—that is punitive.

And I argue that this package that was put together yesterday in the ag appropriations conference committee shut out—I say to my colleague from Montana—shut out the Democratic proposal. It is way too little, way too late, doesn't get the price up, deficient in all sorts of ways, and will not do the job. It is like my Republican colleagues in the House and the Senate labored mightily and produced a mouse. It is an insult.

We will on Thursday—Yom Kippur is tomorrow; it is a religious holiday for some of us—Thursday we will have a motion to recommit this to the conference committee. We will keep coming back and fighting it.

I say to family farmers in Minnesota, ''Look, $4 billion doesn't get the price up, it isn't targeted, it helps landowners, not necessarily producers, doesn't help soybean growers, doesn't deal with the real issue.''

People are not looking for handouts. They are not looking for more payments. They want to get the price up. I say to farmers in Minnesota, ''Look, I have given this everything I have—everything I have,'' or ''everything I had,'' if it is in the past tense. I will tell you that whatever is out there is just not going to do the job. I refuse to be a part of a phony argument where we pretend like we have come up with some agricultural crisis relief bill that does not provide the necessary relief for people so they can stay on their land and farm their land. This is not going to do the job.

You can say, ''Well, but this goes part of the way.'' I suppose a quarter of a loaf of bread is better than none, but I am not going to be party to the argument that this is going to help the farmers or is anywhere near commensurate to the task before us.

The President has said that he is going to veto this. The administration is hanging in there tough. Let me tell you, Mr. President, I don't always agree with you on policies. I am a Democrat and quite often in disagreement with some of what the administration does. But I give credit where credit is due.

I am glad the President is hanging tough on this. I am glad that the President and the Vice President and Secretary Glickman—especially Secretary Glickman—are there for family farmers. I hope he vetoes this, and then I hope we sit down at the bargaining table and come back with a farm relief package that really provides relief.

I am tired of symbolic politics. We get ourselves in big trouble when we pretend like we put something together that is going to do the job. The Democrats' proposal, I say to my colleague from Montana, was barely a start. It was the best we felt we could do. It did not get the prices up there. It did not get the relief there. It was not all that we needed to do, but it was a credible start.

What has come out of this agricultural appropriations conference committee by the Republican majority—let me go on record and say this—is not a great step forward, it is a great leap sideways. It is not a step forward for family farmers, it is a great leap sideways. The family farmers in Minnesota and the people in greater Minnesota deserve better. They deserve better, and I am going to keep on fighting and raising heck on the floor of the Senate and in every other way I can until they get better. I believe I will be joined by many of my other colleagues as well.

Mr. President, I ask unanimous consent that a very eloquent piece by

Steve Calvin, ''We need to reconnect with the food supply,'' which was published in the Minnesota Star Tribune today, be printed in the RECORD.

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

[From the Minnesota Star Tribune, Sept. 29, 1998]

WE NEED TO RECONNECT WITH FOOD SUPPLY

(By Steve Calvin)

The recent Great Upper Midwest Farm Price Crisis Rally was held at the Nobles County fairground in my hometown of Worthington, Minn. It was attended by sympathetic Democratic politicians and a small but enthusiastic crowd of 750 farmers. The invited Republican office holders had other priorities.

At a time when the ''crisis'' label is too widely used, there is agreement that the current farm situation is a disaster to rival the one that occurred in the 1980s. It is particularly ironic that this comes during a year when crop yields are bountiful. Yet this abundant harvest will likely be followed by foreclosures and personal tragedies.

There are many reasons for the current desperate situation. As usual, political hay is being made. Democrats blame the 1996 farm bill that gradually removed farm subsidies. Republicans say that the rationale for ending government involvement in agriculture is sound and that unforeseen global financial disruption dried up export markets. Truth is always more complicated than sound bites.

Though I was born in southwestern Minnesota, I grew up elsewhere and now live in the Twin Cities. I kept in touch with my roots through my grandfathers, who farmed for a combined 100 years. Five years ago I resisted the cabin-up-north urge and bought a farm down south. Though a small operation, it is currently home to a productively grazing flock of sheep and herd of cattle. However, my best credential for a comment on the farm crisis is that I am concerned about the source and security of our food supply.

Although fewer than 2 percent of Americans are engaged in agriculture, the family farm is still enshrined in our national psyche. Very few have a physical place where we can reconnect with our rural roots. The popularity of the animal barns at the State Fair is no surprise. Even though most of us could never tolerate the privations and efforts required of farming a generation ago we have a deep longing for what it represents. But farming has changed.

Developments in technology have reshaped agriculture. As always, change is doubled edged. A family farm may now encompass more than 1,000 acres. In 1950 this would have required three or four farm families. The consolidation has come at a price. Sometimes the advice to get big or get out trapped farmers in massive and ruinous debt. Thus the call for federal assistance.

The proper role of government in agriculture has always been hotly debated. My maternal grandfather and my great uncle were best of friends except when it came to that question. Grandpa saw the New Deal as the root of corruption of independent farming. Uncle Paul thought that government should guarantee the price of production. In their retirement the debate was suspended for reasons of health and family peace.

Whatever else they are, government programs are complicated. As the owners of 43 acres that were already enrolled in support programs, my wife and I receive the modest diminishing yearly payments of the 1996 Freedom to Farm Act. We have used the money for conservation projects. We also receive the voluminous regulations of the program. The dozen-plus years of postgraduate education that my wife and I share give us no help in understanding them.

Is the future agricultural landscape destined to be one of industrial mega-farms, dotted with a few decorative hobby farms? I hope not. If we are to have an agriculture that is safe, local, environmentally sound and affordable, government must serve as the impartial referee. The difficult debate will be in defining fair rules. The current situation favors the interests of agribusiness. Because of the influence that money has on the political system, change will be difficult.

On the other hand, farmers will not be guaranteed an income by federal programs. Those who plan to be farming very far into the next century will have to do so in innovative ways. Agricultural writers such as Wendell Berry, Wes Jackson and Gene Logsdon outline a future that includes a mosaic of profitable family farms across America. These farms will require a return to diverse enterprises and sustainable practices.

Nonfarming Americans have a stake in this too. That we pay such a small percentage of our incomes for food has lulled us into a false sense of security. We must reconnect with our food supply. This can be done by frequenting local farmers' markets and by joining the burgeoning community-supported agricultural movement, where product and meat can be obtained directly from farmers. We must know more about our food source than the location of the nearest food warehouse. Ignoring the current farm crisis may bring us closer to a much more dangerous food crisis.

Mr. WELLSTONE. Mr. President, I will conclude my statement by quoting the third to the last paragraph from the commentary of Dr. Calvin, who is a physician and a farmer:

Is the future agricultural landscape destined to be one of industrial mega-farms, dotted with a few decorative hobby farms? I hope not. If we are to have an agriculture that is safe, local, environmentally sound and affordable, government must serve as the impartial referee. The difficult debate will be in defining fair rules. The current situation favors the interests of agribusiness. Because of the influence that money has on the political system, change will be difficult.

That is true, change will be difficult, but not for a moment, those of us who come from States like Minnesota, do we intend to give up on this fight. The family farm structure of agriculture and food policy is our most precious priority. We have just begun to fight on this.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. BAUCUS addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota controls the time.

Mr. WELLSTONE. Mr. President, how much time do I have left?

The PRESIDING OFFICER. The Senator has 7 minutes remaining.

Mr. WELLSTONE. Mr. President, I yield the 7 minutes I have, and perhaps if the Senator needs more, the Senator from Vermont, Senator JEFFORDS, will yield some of his, but I yield to my colleague.

The PRESIDING OFFICER. The Senator from Montana is recognized for 7 minutes.

Mr. BAUCUS. Mr. President, what is the parliamentary situation?

The PRESIDING OFFICER. We are under an order up to 3:15 p.m., with 1 hour equally divided between the Senator from Minnesota and the Senator from Vermont. The Senator from Minnesota has 6 minutes 30 seconds left.

Mr. BAUCUS. What is the Senate business at the conclusion of that time?

The PRESIDING OFFICER. The Senator from Vermont has 30 minutes.

Mr. BAUCUS. I apologize, I did not hear the Chair.

The PRESIDING OFFICER. The Senator from Vermont has 30 minutes.

Mr. BAUCUS. The Senator from Vermont.

The PRESIDING OFFICER. The Senator from Vermont has 30 minutes left.

Mr. BAUCUS. Thank you.

Mr. President, first I will chime in and praise the Senator from Minnesota. He is a fighter. As all the residents of Minnesota know and people across the country know, if there is anybody who is fighting for people's interests and to help people in America—it is the Senator from Minnesota.

He is particularly right, in this Senator's view, when it comes to the action taken last night by the agriculture appropriations committee and their failure to report out legislation that in some modicum way, in a bipartisan way, helps give some encouragement to American farmers. As the Senator knows even better than I, costs facing our farmers and ranchers have just continually risen over the years. Pickup trucks, combines, farm equipment is out of sight and so expensive.

At the same time, the price that farmers get for their products, commodities has just plummeted. In fact, at least in my State of Montana—I am sure it is the same for the Senator's State in Minnesota—we face wheat prices of $2, $2 a bushel, with freight rates sometimes $1 a bushel, which has to come off of the $2, so that means the farmer is only receiving about $1 a bushel for wheat, which is nowhere close to breaking even. You need about $5, $6—at least these days—just to break even in farm country.

I just want to again thank the Senator. He is a real champion when it comes to helping people. And I just want to let people know, who might be listening, just what a fine Senator he is and how he works so hard for people and people's interests.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. I just say to Senator BAUCUS, thank you very much.

Mr. BAUCUS. Mr. President, I rise on another issue. And depending upon whether the Senator from Vermont comes back, we will just kind of play this by ear on timing.

THE INTERIOR APPROPRIATIONS BILL

Mr. BAUCUS. Mr. President, at some point soon the Senate must either return to the consideration of the Interior appropriations bill or else consider an omnibus bill that includes provisions relating to the appropriations for the Interior Department or, dare I say, at a time when perhaps the Interior appropriations bill would come to the Senate, not directly to the floor, but via a conference report, where the conference report is not debatable. But when any of those events occur, we are going to face the issue of antienvironmental riders which are currently in the Senate Interior appropriations bill. In anticipation of that debate, I will take some time this afternoon to explain why I and several of my colleagues intend to offer an amendment that would delete many of those riders.

Three years ago, there was an attempt to fill appropriations bills with various riders—you know, those attachments that go on to appropriations bills that have virtually nothing to do with the bill—riders that made very controversial changes to our Nation's environmental laws: riders that would weaken, for example, the Clean Water Act, weaken the Clean Air Act, slow down the cleanup of hazardous waste sites, and prevent the protection of any more endangered species.

We all remember what happened. The President vetoed the bills, demanding that the riders be deleted. Congress refused. There was a standoff. The Government was shut down. A fierce public backlash occurred, not only against the Government shutdown, but also against the effort to lace appropriations bills with antienvironmental riders.

After that, we seemed to have learned our lesson. Chairman STEVENS urged us to ''get on with our work'' and get the appropriations bills passed. We pretty much did, keeping controversial riders out of most of the appropriations bills.

A few weeks ago that changed. When we took up the Interior Department appropriations bill it became, as Yogi Berra said, ''deja vu all over again.'' The anti-environmental riders are back. The Interior appropriations bill that the Senate was considering just a short while ago is replete with controversial provisions that would weaken the protection of our environment and environmental laws, our water, our forests and parks, and our wildlife.

The administration objects to about two dozen of the riders in this bill. It says it is an attempt to roll back environmental protection. The amendment that I and several other Senators plan to offer is much more focused. It strikes only eight of the most egregious antienvironment riders. Let me describe them. I will be brief because I and perhaps some other Senators will discuss each of these at a future date in more detail.

The first rider locks in new and existing rulings for commercial fishing at Glacier Bay National Park, AK. It jeopardizes the protection of one of the crown jewels of our national park system.

The second rider grants a right-of-way to build a road through the Izembek National Wildlife Refuge and Wilderness, also in Alaska. For the first time ever, Congress would allow a road to be built through a wilderness area.

The third rider prevents the Forest Service from decommissioning any of its authorized roads until it has dealt with every mile of unauthorized roads, the so-called ghost roads. This, in effect, would make it impossible for the Forest Service to manage the National Forest/Road System to protect public safety and the environment.

The fourth and fifth riders prevent the Forest Service from revising any more forest lands until the Forest Service publishes comprehensive new planning rules. What is the effect of this? It would lock in old, outdated plans that no longer reflect how our citizens want their forests to be managed.

The sixth rider requires the Forest Service to sell 90 percent of the allowable sale quantity of harvestable timber from one national forest, and one only. That is the Tongass, in Alaska. This would create a unique entitlement to take public timber from that one forest.

The seventh rider prohibits the reintroduction of grizzly bears in Montana and Idaho, disrupting a locally oriented public process designed to answer the very question of whether and how reintroduction should occur.

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

Mr. BAUCUS. I ask unanimous consent to use the time that has been allotted to the Senator from Vermont.

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

Mr. BAUCUS. I thank the Chair.

The eighth rider prohibits changes to the management and operation of any dam in the Columbia River Basin without congressional approval. That would override environmental laws, make it impossible to protect the salmon and other endangered species, and establish congressional micromanagement of one of the largest river systems in the world.

I have been in the Senate for about 20 years. I like to think that I understand the appropriations process pretty well. And in some cases it is perfectly acceptable to make policy changes in an appropriations bill, for example, where there is a broad consensus or an emergency. I have supported provisions like that, and every Senator here has probably done the same. But that is not what we are talking about here.

We are talking about a slew of riders that go way too far, making dramatic and controversial changes in our environmental laws. In some cases, the riders micromanage the agencies. In other cases, they substitute a one-size-fits-all Washington, DC, decision for a decision that balances national concerns with the concerns of local residents. In still other cases they improperly favor special interests at the expense of the national interests.

Some Senators will no doubt disagree with my characterization of these riders. They will argue, well, this or that rider is good public policy, justified on the merits. As with most issues that we debate around here, there will be serious arguments on both sides. But that is part of the problem. There are serious arguments on both sides.

Each of the riders involve important and complex natural resource issues. These issues require close attention and careful consideration as part of the regular legislative process. But instead, they have been tucked away in a 200-page appropriations bill, or what probably will be a much, much longer omnibus bill, that we are rushing to enact before the end of the fiscal year—only days away. And if rumors of an unamendable omnibus appropriations bill conference report are true, the Senate may never get to the debate or vote on any of these riders.

It is, to my mind, not the way to do business. We all know what is going on. These riders cannot stand up on their own merits. They cannot stand up on their own merits in the full light of day. The public does not support them. And the President does not support them. So the advocates resort to an appropriations rider.

This is not what people expect of us. Time and time again, folks back home tell us how upset they are with these kinds of riders. I hear it all the time. I am sure other Senators do, too. You know what? People are right. They certainly are in this case.

There is another problem with these particular riders, and that is that they are a poison pill. They will kill the Interior appropriations bill. Let us not forget the Interior appropriations bill is an important bill for all States, but particularly for Western States like Montana. It provides funds for our national parks, our forests, wilderness areas, and other public lands.

Senator STEVENS, Senator BYRD and Senator GORTON have done a great job with all the other parts of the bill. I do not want to overlook that, not for a moment. They have worked very, very hard. And I commend them for it. Frankly, I do not understand how they do it, how they find the time or the patience of balancing all the competing interests—funding our natural resource agencies, funding tribal programs that are so critical to Native Americans, resolving the controversy over the National Endowment for the Arts.

They have done too much good work for us to allow these riders to sully and probably sink the bill. But that is what is going to happen.

Let me talk a little bit about the official version of what the administration says, the bureaucratic version.

The administration's statement on the bill says that because of inadequate appropriations levels and because of various riders, ''The President's senior advisers recommended that he veto the bill as represented to him in its current form.''

Now I will relate the practical version. We all know what this means: Unless this bill is cleaned up, it will be vetoed. And we will be back where we were 3 years ago, facing a veto, gridlock, political shutdown; furthermore, if these riders find their way into an omnibus appropriations bill they will only compound the mayhem, which will be an affront to open, responsible, representative government.

I have great respect for my colleagues from Alaska and the State of Washington, the chairman of the committee and the subcommittee. They are good friends. They are good Senators. They are very good advocates. On the issues critical to the West, I am honored to work with them very closely.

With due respect, however, I believe these riders go too far. They weaken environmental laws. They undermine sound stewardship of our natural resources. For that reason, these riders don't belong in the Interior appropriations bill. They don't belong in the omnibus bill, either. They should be deleted.

When the time comes, I will offer an amendment to do just that.

Mr. President, one of the riders that my amendment would delete is section 120 of the Interior Appropriations bill, which prevents the Park Service from limiting commercial fishing in Glacier Bay National Park in Alaska.

I have a map of Glacier Bay National Park. Where is Glacier Bay? It is northwest of the Tongass Forest, in the southeastern part of Alaska. Glacier Bay National Monument was established in 1925 by a Presidential proclamation, expanded in 1939, and in 1980 it was redesignated as a National Park and Preserve by the Alaska National Interest Lands Conservation Act.

Now, I haven't been there, but I understand it is one of the crown jewels of our National Park System. The area is basically all that is included within this pink line. This is all Glacier National Park and Preserve—one of the largest national parks, encompassing 3.3 million acres, including Glacier Bay here and the surrounding waters.

Thousands of visitors come to the park each year for its tidewater glaciers, its abundant marine life, its scenery and outstanding wilderness qualities. A lot of tour boats come up here to visit the Johns Hopkins inlet here. It is hard to see this small photo in the upper right corner, so here is a larger copy of it. This is a photograph of Glacier Bay National Park and Preserve. This is a tour boat down here, and this is to give you an example of the spectacular scenery that occurs up in Glacier Bay.

It also provides tremendous opportunities for scientists to study the marine environment, including the humpback whales. These creatures—here is a photo of one in Glacier Bay—feed in the bay during the summer months.

Commercial fishing has been illegal in the park since 1966. For many years that prohibition was not enforced, largely out of concern for the commercial fishermen. As a result, commercial fishing still occurs in and around Glacier Bay.

Let me add that this issue is not about subsistence fishing in the Park. Fishing for personal use, whether by Natives or other local residents, is allowed in the park; the proposed rule by the Park Service would not change that. The real issue here is commercial fishing.

Since 1966, there have been growing concerns about the effects commercial fishing was having on the Park, its unique natural resources, and on the hundreds of thousands of visitors to the Park each year. For example, in the late 1970s, the Park Service noticed a sharp decrease in the number of humpback whales that used the Park during the summer months. To help protect them, the Park Service prohibited commercial fishing in the bay for shrimp and other species on which whales feed. We will get the map of Glacier Bay up here again. It prohibited commercial fishing here within Glacier Bay.

The Park also provides a unique refuge for hundreds of thousands of people who visit Glacier Bay each year. In the last 10 years, the number of visitors to the Park has doubled. Many of those visitors come to experience solitude and quiet and escape from modern civilization. Commercial fishing is inconsistent with that wilderness experience.

In 1997, the Park Service tried to balance all the competing interests in the Park and proposed regulations that would allow commercial fishing in some areas, phase it out in other areas, and prohibit it altogether in a few other areas.

More than a thousand written comments have already been received. I will tell you where it is allowed and where it is prohibited. Basically, commercial fishing will be phased out in the bay. It will be prohibited in several small inlets, and there are about five of them. It will be allowed just outside of the bay here, still within the line; that is, coastal fishing would still be allowed.

At this point, I might say, Mr. President, that 70 percent of all the commercial fish are caught outside the bay, not inside the bay. So what I am really saying is, even though in 1966 commercial fishing was prohibited—and it has not been enforced since 1966—the new rule proposed by the Park Service would phase out commercial fishing over 15 years within the bay only, and it would allow fishing outside the bay, in the coastal area right along the land here. And a full 70 percent of the fishing is outside the bay.

In the meantime, more than a thousand written comments have been received since the publication of the proposed rule. The comment period doesn't close until November. Final rules are due out next year.

That is where the rider comes in. Section 120 of the appropriations bill prevents the National Park Service from finalizing the proposed rule. Worse, it even prevents the Service from enforcing existing prohibitions against commercial fishing in the Park, such as the prohibition adopted in 1985 to protect endangered humpback whales, as long as the fishing complies with State laws and regulations.

I understand the concern that the Alaska Senators and others have that the fishermen and their families will be affected by these limitations on commercial fishing. But I believe the rider takes the wrong approach, for four reasons:

First, Glacier Bay National Park is a very special place, like Yellowstone National Park and Glacier National Park in Montana. In fact, Glacier Bay National Park is our country's largest marine protected area, with over 600,000 acres of marine waters. That is nearly the size of Rhode Island. So we have to make an extra effort to protect the Park, its whales, seals, and sea lions, and the wilderness experience many visitors are seeking.

Second, there are serious concerns about the effects of commercial fishing. For example, commercial shrimp harvesting can reduce the food supply for humpback whales. The Park is also an important laboratory for studying how natural marine ecosystems can function. But it is very difficult to study a natural system if it is being fished commercially—in this case, to the tune of 4 million pounds of fish each year. If the Park Service cannot finalize the new rules or even enforce the existing prohibition, then this rider will put at risk the Park's marine resources.

Mr. President, I have a chart here that is a little wordy, and I apologize for that. It says, ''The Effects of Proposed Moratorium.'' First, the effect on natural resources. It will prevent the Park from achieving its purpose as a marine-protected area; it won't be protected anymore. It would also allow trawling and other commercial fisheries that have been prohibited since 1985. It would allow commercial fishing in a congressionally designated wilderness area. Second, it will also adversely affect scientific research because the park is a laboratory for scientific study. Finally, the rider prevents the Park Service from completing a fair and open planning and rulemaking process. It just says: This is it, folks. No rule. This is it. The rider will stop the Park Service from implementing a proposed rule to balance local, regional and national interests.

The third reason I am opposed to this rule is that I think we need a balanced

approach. We will have to see what is in the final regulation. We don't know what is going to be in it. But the proposed rule tries to balance the need to protect the Park's resources with the need to treat commercial fishermen fairly. Again, commercial fishing would be allowed outside the bay where 70 percent of the fish are caught.

The proposed rule is balanced, I think, because it divides the area into three parts. It allows commercial fishing to continue in marine waters outside the bay itself. As I have already mentioned, that is out here. It does, though, phase out commercial fishing inside the bay over 15 years. And it closes five wilderness areas—including Beardslee Islands, Adams Inlet, Rendu Inlet, Hugh Miller Inlet Complex, and part of Dundas Bay—to commercial fishing in order to comply with the Wilderness Act because these areas, I believe, are within the wilderness system.

On the other hand, I must point out the rider will allow commercial fishing anywhere in the Park, as long as it complies with State law. In effect, the rider would turn over management of the Park's fish resources to the State.

Finally, the best way to get to a balanced solution, I think, is with lots of public input and review. The proposed rules have been developed through a fair, lengthy and open process, and with ample opportunity for public input. I will put up a chart that shows that.

Since April 1997, this chart shows all of the procedures that have been followed to allow people to comment on the proposed rule. The public comment period has been extended several times, I might add. Over 1,200 written comments have been received to date, and there are still 2 months to go. Furthermore, there have been numerous workshops, open houses and hearings on the proposal.

Again, were it not for the rider, the final rule would probably be in effect sometime in 1999. There have been many, many opportunities for people to comment.

Putting all of this together, I believe the best approach is to delete the rider. That way the process of developing a balanced solution can continue and we can protect Glacier Bay National Park for future generations.

Mr. President, I would now like to turn to another section of the Interior Appropriations bill. This is section 126, which authorizes a right-of-way for construction of a road through the Izembek National Wildlife Refuge and Wilderness. Let me explain why I believe this rider should be deleted.

The Izembek National Wildlife Refuge is on the Alaska peninsula, approximately 625 miles southwest of Anchorage. It is a major stopover on the Pacific flyway. The Refuge was established in 1960 and is an internationally recognized refuge that provides vital habitat to hundreds of thousands of waterfowl, shore birds, and other migratory birds. It also serves as a key denning area for the Alaska brown bear, and a primary migration route for the southern Alaska Peninsula Caribou herd. In 1980, Congress designated most of the refuge as wilderness.

This is a map of Alaska that gives you a sense of where the Izembek Refuge is located. We are talking about the Alaskan peninsula, and it would be basically right in here. This is a blown-up area of this part of the Alaskan peninsula. There are two communities in the vicinity of Izembek: Cold Bay up here and King Cove in the lower right of this map.

King Cove has a population of about 800 people, and Cold Bay, a population of about 100. They are separated by approximately 20 miles of marine water. They are linked by commuter air service and by boats. However, in bad weather, emergency transportation by air from King Cove to Cold Bay is limited.

The State of Alaska is currently evaluating various alternatives to improve transportation between these two communities, especially transportation for emergency medical treatment. That is going on right now.

The PRESIDING OFFICER. All the time under morning business that has previously been allotted has now expired.

Mr. BAUCUS addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, I yield to my good friend from Missouri without losing my right to the floor.

Mr. BOND. Mr. President, I wanted to ask, I need about 5 minutes to introduce a bill. I wanted to find out if my good friend from Montana is going to wrap up; I didn't want to interfere. But if it would be agreeable with him, and with the manager of the energy and water bill, to briefly introduce a measure, I would ask my colleagues, if that would accommodate them, if I could do that.

Mr. BAUCUS. I might say to my good friend I am about ready to wrap up this section. It will take maybe about 4 or 5 minutes.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

I would point out that regular order is S. 442, and the motion to proceed that has been agreed to. Anybody seeking recognition will have to receive consent.

Mr. BAUCUS addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, I ask to be recognized.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, I will yield, without losing my right to the floor, to my good friend from New Mexico.

Mr. DOMENICI. No, I don't need the Senator to yield to me. I wonder, when you are finished——

Mr. BAUCUS. I have 5 minutes.

Mr. DOMENICI. Do you want to ask for 5 minutes?

Mr. BAUCUS. I ask unanimous consent for 5 minutes.

The PRESIDING OFFICER. Is there objection?

Mr. DOMENICI. The Senator might want to ask for 5 minutes.

Mr. BOND. I ask for 5 minutes following the Senator from Montana.

The PRESIDING OFFICER. Is there objection?

Mr. DOMENICI. When that is finished, I ask that I be recognized for 1 minute on a matter as if in morning business, and then to make a unanimous consent request.

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

The Senator from Montana is recognized for up to 5 minutes.

Mr. BAUCUS. I thank the Chair.

Mr. President, as I mentioned, the State of Alaska is currently evaluating various alternatives to improve transportation between these two communities. One of the alternatives being studied is construction of a 30-mile road that would cut through 8 miles of the Izembek Wilderness and 3 miles of nonwilderness refuge lands.

You can tell from the map here, this is where the road would be. And this is the area of wilderness that would be affected. From King Cove, around the bay, up to Cold Bay. That is one alternative to be considered. Again, it would cut through 8 miles of wilderness and 3 miles of nonwilderness refuge lands.

Section 126 of the bill establishes a 60-foot-wide swath through the refuge for this road. In exchange, the bill adds 664 acres of adjacent lands to the refuge.

The avowed primary purpose of this rider is to improve public access to emergency medical services for the residents of King Cove. It is a serious problem, one that affects people's lives and health. I do not deny that. But this is also about increasing convenience for local residents and enhancing regional economic development.

My State also has vast distances and remote communities, although not as large a scale as in Alaska. So I am very sensitive to the concerns of the people of Alaska and certainly of the views of the Senators from Alaska.

However, I believe that the Izembek rider is the wrong solution to the problem that occurs between King Cove and Cold Bay. First of all, the rider establishes a very troubling precedent. Congress has never authorized the construction of a road through a wilderness area, certainly not as a rider to an appropriations bill. If we do so in this case, it will be more difficult to hold the line in the future.

Second, this road would have serious environmental consequences. The importance of the Izembek National Wildlife Refuge is internationally recognized. It provides vital habitat to hundreds of thousands of waterfowl, to

brown bears, and to caribou. Its location on the Alaska peninsula makes the Refuge a critical resting and feeding ground for migratory waterfowl that pass through Izembek each spring and fall.

This is a map which shows the migratory patterns of various waterfowl and other birds, such as the Black Brant—the purple line here. They stop here at Izembek. 100,000 Emperor Geese stop here in the spring and fall; 150,000 Black Brant, 85,000 Canadian Geese, 150,000 Steller's Eider, and about 31 species of shore birds. These are the Arctic breeding grounds in the summer, and parts of the year they go south to winter. It is a very important refuge.

This rider, I might say, would cut this Refuge in half. It would fragment the coastal wetlands and tundra that are considered essential to many of these species. It would destroy the character of the wilderness area.

This, Mr. President, is the picture of a typical road in Alaska that would be contemplated by this amendment. You can see what condition it is in. This is a very good road. In comparison, this is a road that now exists in part of the wilderness area. This is what is there now. This is what would be contemplated. As you can tell, it is a pretty good size road. It is no small little cow path.

Third, and perhaps most significantly, there are many ways to address the legitimate transportation problems at King Cove without violating the Izembek Refuge: Coast Guard air evacuation is one; better port facilities and special marine ambulances are another; as well as telemedicine and other medical advances. After all, in bad weather, with high winds and blowing snow, a road can be very risky and often impassable.

In fact, I might read a letter from the Anchorage Daily News. It is a citizen, Tara P. Fuller, who is from Cold Bay. I will put it in the RECORD, but her basic point is that this is ridiculous, this amendment, this rider, which would allow this road. Because, she says, often this road would be totally impassable with snowdrifts. When storms come, the road would have to be plowed.

I ask unanimous consent to have that letter printed in the RECORD.

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

ROAD NO HELP IN BAD WEATHER

Regarding the King Cove-to-Cold Bay "Rescue Road in Alaska":

As a lifelong resident of this area, I have some great concerns with the proposed legislation to grant a right of way for a 27-mile road from King Cove to Cold Bay, 10 miles of which would be in Izembeck National Wildlife Refuge and seven miles of which would be in the wilderness area.

To say this road is the only alternative to the health and safety issue is ridiculous. How could this possibly be true? When we are having inclement weather, are we to believe a vehicle could drive some 27 miles in whiteout conditions, drifting snow and winds? I lived 3.2 miles out of the town of Cold Bay for four years, with so-called "road access" to Cold Bay, and during winter spent many days stranded either at home or in town, depending on where I was when the storm came. Drifting snow would be so bad, it would take days to get the 3.2 miles of road plowed enough to be passable.

I would also like to say that during the 14 years I have spent living in Cold Bay, I have yet to see the bay freeze over, making a marine link with a breakwater/harbor the only viable and obvious alternative to the road.

As Murkowski, Stevens and Young are trying to ramrod this through Congress, I would like to see them show up in Cold Bay and ask some of us Cold Bay residents how we feel instead of assuming we also are in favor of this "King Cove to Cold Bay Road."

TARA P. FULLER,
Cold Bay.

Mr. BAUCUS. Mr. President, I ask for 3 more minutes.

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

Mr. BOND addressed the Chair.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. How long, Mr. President?

Mr. BAUCUS. Three minutes.

The PRESIDING OFFICER. The Senator from Montana is recognized for an additional 3 minutes.

Mr. BAUCUS. The State of Alaska is already evaluating various alternatives and there is provision in the current transportation appropriations bill, that the Senate passed in July, that adds $700,000 for the Corps of Engineers to study rural access issues in Alaska. That is already in there. Alaska is now studying various alternatives that affect rural access issues.

With these two studies out there, one by the State of Alaska and the other by the Army Corps of Engineers, now is not the time to jump to conclusions and pass a rider which authorizes the construction of a road through a wilderness area.

I say, let's let the studies examine the evidence, let the studies weigh the alternatives. Let's see if the road is, in fact, the best way to meet the stated needs. It may be and may not be. But the fact of the matter is, when you look a lot deeper into this, the real impetus behind the road may not be emergency medical evacuation. That is not the real driving force here. Really, it is that the folks there have an economic interest in having a road.

I might say, too, that is true of many communities—not only in Alaska, but other parts of the country. I understand those needs. People move to and live in King Cove because they want to live there. That is their home. That is their choice. There are ways to deal with the medical needs that may arise, but I do not think it makes sense to put in an appropriations bill a requirement that a road be built when there are two outstanding studies looking at this issue to see what the best way is to solve the access issue, particularly with respect to emergency medical services.

Mr. President, with that I yield the floor. I see my good friend from Missouri on the floor. I cannot, for the life of me, have any idea what he is going to talk about, given the State he is from and given the magnificent feat of one of his local citizens in the last few days, with the number 70 behind it.

I very respectfully yield the floor so my good friend from Missouri can address the Senate.

The PRESIDING OFFICER. The Senator from the great State of Missouri.

Mr. BOND. Mr. President, I thank my friend from Montana. I also thank the distinguished chairman of the Energy and Water Appropriations Subcommittee.

MARK McGWIRE INTERSTATE ROUTE 70

Mr. BOND. Mr. President, Sunday evening in St. Charles, MO, I was attending a picnic. Late in the afternoon a bright-eyed, starry-eyed 10-year-old boy came in. He had just witnessed something that is truly historic. I told the young man I hoped he had a really good memory, because I imagine that he would be telling not only his schoolmates, but his children and his grandchildren, and we might even hope his great grandchildren about it.

As a matter of fact, as we travel around Missouri and other parts of the country, people have been talking about it all over. That is, of course, that on Sunday, Mark McGwire of the St. Louis Cardinals hit his 69th and 70th home run this season; a grand total of 70 home runs. To do that, he hit 5 home runs in his last 11 at bats.

There were people who thought it would be very difficult to break the wonderful record that Roger Maris had established of 61 home runs. This year we saw something truly extraordinary. Another outstanding athlete, Sammy Sosa, hit 66. And the contest between these two superb athletes and wonderful human beings electrified this country. As somebody who has been a baseball fan for a long time, I was so delighted to see the excitement and enthusiasm as baseball came back to the status it has had as our Nation's pastime. People who never cared about sports in my State were clustering around the radios or the television whenever Mark McGwire came up.

Mark McGwire is a man of immense physical stature, conditioning and strength. When I met him I was overwhelmed with his size and muscle. But he is a man of great mental dedication, of great concentration, determination, and—reading the column in today's Washington Post by Tom Boswell—probably possessing other extraordinary capabilities of which we mere mortals cannot be aware.

He did something that, for baseball fans, was truly remarkable. It has done more for our State, the city of St. Louis—but for the country as well—when we look at the sportsmanship and the example of how hard work and determination and doggedness pay off. I would like to believe in other countries

where baseball is played they felt the same excitement and the same enthusiasm that we did.

To both Mark McGwire and to Sammy Sosa, we say congratulations and thank you for a wonderful season. Mr. Sosa has some more games to play with the Chicago Cubs. But I did not want this moment to pass without asking this body to consider acting on something that I think is a good idea. Actually, I read about it on the sports page. Bernie Miklasz' column in the St. Louis Post-Dispatch suggested it. I talked to my friends at the St. Louis Cardinals and they have been thinking about it. You see, there is an interstate highway that runs through St. Louis, interstate 70—a very fortuitous number, given the feat that Mr. McGwire has achieved.

There are some of us—we don't want to raise a question, be nitpicking—who think he actually hit 71, if you count one in Milwaukee. But we are willing to pass on that one and say that there were 70 home runs that were hit. I am going to propose a measure today to designate a portion of interstate 70 in Missouri as the Mark McGwire Interstate Route 70; through St. Louis County and St. Louis City, to recognize the man who has not only brought baseball back to the top of everybody's mind and heart, but has done a tremendous amount for the community as well.

This, I think, is a small measure for us to undertake. We are contacting our colleagues in the House to ask for their support. The mayor of St. Louis has indicated his support, and we are asking others to join with us. We hope to have clearance later on today, if we can obtain clearance to pass it in wrap-up.

We also invite additional cosponsors. I have three who wish to cosponsor it to recognize this tremendous feat and to designate this in honor of the man who has really brought the thrill back to baseball and has shown that human beings have tremendous talent.

I send to the desk a bill to designate the Mark McGwire Interstate Route 70.

Mr. President, I ask unanimous consent, before being referred, that the bill be held at the desk to seek clearance from the minority side of the aisle.

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

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, has Senator BOND finished?

Mr. BOND. Yes.

Mr. DOMENICI. Mr. President, in a moment I am going to ask consent on something, but I thank Senator BOND and congratulate him for what he did today. I don't know if we can do anything that is enough in response to the marvelous baseball year that Mark McGwire and others have given to the American people.

I suggest that in an America that has grown so cynical about anything, wasn't it a marvelous thing to see how the people responded to the genuineness, the frankness, the decency of both Mark McGwire and Sammy Sosa? Just remember, on a number of those very important home runs, those people who caught that ball, without one moment's hesitation—until right at the end, of course—they said the ball belongs to him; they weren't trying to get rich. It was just absolutely marvelous for the United States to see that kind of thing happen.

Then to see the friendship between two people who are really at war in a very civil and different kind of way to break this title, which both of them did, which has been there for 37 years, and see how they related to each other. I think they have become genuine friends while they have proceeded, each in their individual way, to try to break one of the most important and difficult athletic standards in all of organized athletics worldwide.

I believe if the Senate understands what has happened, they are going to approve that very soon. I commend the Senator for it, and I hope Mark McGwire and his family understand the reason for you doing this and why we are probably going to unanimously accept it. I thank the Senator.

Mr. President, I ask unanimous consent to speak as in morning business and then proceed to a unanimous consent request.

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

RESTORING CONFIDENCE TO WORLD FINANCIAL MARKETS

Mr. DOMENICI. Mr. President, the Federal Reserve today decided to cut interest rates, and this is a very important step toward restoring confidence and stability in the world's financial markets. It shows that the world's policymakers are taking an active role in ensuring that financial contagion does not spread further. It is also an insurance policy against further damage to the U.S. economy from international events which currently are out of our control.

However, the U.S. Federal Reserve cannot resolve the current financial crisis alone. Investors are shunning the emerging markets because of a heightened sense of the risk that is there. In order to get money flowing to these regions again, nations must improve their banking regulations and must make information about their financial systems more available. This will assure investors and will help resolve much of the current crisis.

As policymakers, we should aid the Fed's effort to restore international confidence by approving the International Monetary Fund's request with appropriate amendments. We should also remain confident that the Fed will continue to act in a way that ensures maximum U.S. long-term growth, as they have done in the past and, as I gather, they decided to do today.

UNANIMOUS CONSENT REQUEST—H.R. 4060

Mr. DOMENICI. Mr. President, I note there is a minority Member on the floor. I would not make this request if there was not.

I ask unanimous consent that the Senate now proceed to the consideration of the conference report to accompany H.R. 4060; that there be 40 minutes for debate, with 30 minutes under the control of Senator GRAHAM from Florida; and that the remaining 10 minutes be equally divided between Senator REID of Nevada and myself, as ranking member and chairman, respectively, managers of the bill. I further ask unanimous consent that upon the conclusion or yielding back of time, the conference report be adopted and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Is there objection?

Mr. BAUCUS. Mr. President, on behalf of another Democratic Senator, I must respectfully object.

The PRESIDING OFFICER. Objection is heard.

Mr. DOMENICI. Mr. President, I had hoped the Senator would have stated the name of the Senator, because he has already talked to us, so we all know who it is.

Mr. BAUCUS. Mr. President, I say to my friend, he can mention the name because he knows more than I do. I don't know the name.

Mr. DOMENICI. Distinguished Senator HARKIN is the Senator who told me he is going to object. He is not here, so the Senator from Montana is objecting.

I say to the Senate—in a way to the absent Senator HARKIN—frankly, this is a completed conference report on one of the required annual appropriations bills. From what I understand, there is no objection to this bill. From what I understand, it passed the House 389 to 25.

We are all engaged in trying to get the appropriations bills passed because that is our duty. We are supposed to have them finished before the fiscal year ends, and there are constant complaints that we don't get it done.

Essentially, tomorrow is the end of the year. We worked very hard, Democrats and Republicans, House and Senate, to get this bill done, to meet it, have it within our allocation so it does not break the budget, to do it in the way that most probably will get a Presidential signature.

The Corps of Engineers, the Bureau of Reclamation, the entire Department of Energy, both defense and nondefense, the Nuclear Regulatory Commission—they cannot help Senator HARKIN. They are all in this bill. They should get their funding. They can't help Senator HARKIN solve the problem of the labor, health, and human services bill, which the Senator from Iowa thinks needs a further allocation of resources in order to accomplish what he, as ranking member, thinks should be done.

In addition, I suggest, at the request of the President, this bill includes a provision to resolve a dispute between the District of Columbia courts and the Public Defenders Office. We included that provision in the bill because this has to be enacted before the end of the current year. If that does not happen, then the public defenders—the entire office, which defends those in the District who cannot afford their own lawyers, will not be able to meet its payroll.

The leadership of the House and Senate Appropriations Committee wanted Senator REID and me to address that problem, and we were able to do that with the help of Chairman MCDADE and his ranking member, Representative FAZIO from the State of California.

I hope Senator HARKIN will reconsider this objection and will let us adopt this conference report. All I can say is, in all honesty, Senator HARKIN and those who feel like he does, holding this bill up is not going to help one bit resolve the problem that centers around how much money should Labor, Health, and Human Services have to spend this year on its annual appropriations. It is just not going to help.

There is nobody suggesting the money ought to come out of this bill. There is nobody suggesting that the solution to the problem, which is raised by the Senator from Iowa, can be solved by this bill or by this Senator.

It has to be resolved, if a problem exists, through the leadership here and the chairmen of both of the Appropriations Committees, and I assume maybe even the White House. Since all of that would be required to resolve the problem, I once again ask, What good does it do to hold this bill up? And I hope that will not be a long-lasting event.

I thank the Senate for considering this.

I yield the floor.

Mr. BAUCUS addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana.

INTERIOR APPROPRIATIONS BILL

Mr. BAUCUS. Mr. President, I would like to mention another anti-environment rider in the Interior appropriations bill. I have already discussed two of them. One is Glacier Bay and the other is Izembek. This will be the third.

Mr. President, this amendment deletes the rider that limits the Forest Service's ability to close roads on National Forests that threaten public safety or the environment.

Let me explain. The Forest Service has constructed over 370,000 miles of roads on National Forests across America—370,000 miles of roads. These roads, the ones that Forest Service has constructed, are called authorized roads; another name given to them is systems roads. Most of these are single-lane roads. They are relatively low quality, often built to harvest timber. They are just basic roads built to meet basic needs.

Many of these roads, though, have outlived their intended purpose. They are no longer needed. That is, they are built essentially to harvest timber, a lot of them, or built for a specific purpose and that purpose is no longer in use. So the roads therefore are no longer needed.

About 40 percent of the 370,000 miles of authorized roads are maintained to public safety and environmental standards. The remaining 60 percent are in poor condition and in many cases are a threat—a real threat—to the public safety or a threat to water quality or often a threat to wildlife habitat.

In addition to these authorized roads, the Forest Service estimates that there are at least 60,000 miles of additional roads. These unauthorized roads are sometimes referred to as ghost roads.

This is a photograph, Mr. President, of typical ghost roads. These are created when somebody decides that he or she wants to drive a pickup, a car, or a four-wheeler to a stream, or whatnot. After a while, a few people drive back and forth and we end up with an unauthorized road or a ghost road.

Another example is here. Here is a young fellow on a bicycle. It is close, perhaps, to a stream. It is hard to tell from this photograph, but basically after a bit more use it becomes kind of a road—a ghost road. There are about 60,000 miles of these kinds of ghost roads that the Forest Service thinks exist out in the National Forests—roads caused by people, not roads that the Forest Service has planned or built.

Again, Mr. President, just to recapitulate, there are about 370,000 miles of roads the Forest Service has planned on building. Most of these are deteriorating. Many of these roads were intended to be used as logging roads to harvest timber, and the timber harvest is gone; that is, the timber has been harvested so they are no longer in use.

Then there are 60,000 miles of ghost roads not planned by the Forest Service and which are created by people who drive around in pickups or other off-road vehicles.

Mr. President, the Forest Service cannot safely manage all of the authorized and the unauthorized, so-called ghost roads that cover our National Forests. It just cannot do it. There are too many roads. Too many miles of roads. As a result, many of these roads are safety hazards, and some cause significant environmental problems.

Mr. President, let me show you these two photographs. These are photographs of authorized roads, of system roads, of roads the Forest Service planned—not the ghost roads. In this top photograph of this road, you can tell the road is washed out. It is just washed out.

Here is another photograph of another authorized road, the kind the Forest Service plans on. What happened here? The bridge went out. Some poor unlucky fellow did not realize the bridge had gone out until he caused it to go out. The bridge just collapsed. This guy's pickup went down on the collapsed bridge on the authorized road. Obviously, the bridge has rotted out.

In other cases, the authorized roads create environmental hazards. I might tell you what the top road is. This is a road on the Mount Baker/Snoqualmie National Forest that has washed out. These types of washouts often clog streams, as you might guess. They kill fish. That is pretty obvious. And in the middle of the night, they can be one heck of a pothole.

When roads such as these are unsafe, or cause environmental problems, we have two options. One is to fix the road; and the other is to decommission the road. Just a fancy way of saying closing it.

In deciding which roads to upgrade or close, the Forest Service sets priorities, obviously, based on public safety, based on environmental concerns, on a forest-by-forest basis.

Let's face it, road closures can be a big issue in some parts of the country. I know that is very much the case in my State of Montana; people have strongly held views as to which roads should be closed and which roads not.

These are not easy decisions for the Forest Service to make. But the Forest Service personnel by-and-large do the very best they can. And they do so after talking with the public. And they make their decisions based on what they think the public wants and based upon safety and based upon environmental needs.

Well, this is where the rider comes in. This rider prevents funds from being used to remove any authorized road until the regional forester certifies that all the ghost roads have been either upgraded to U.S. Forest Service standards or closed. That is, the Forest Service cannot look at any of the authorized roads in a region until it looks at all the ghost roads and either closes or upgrades each of them.

What does that mean? That means the Forest Service could not close any authorized road no matter how great a safety hazard it is until the Forest Service can certify that every single mile of the ghost roads, that is these kinds of roads—the little pathways—who-knows-where-they-are in the forest, have been either upgraded to either system standards or have been removed.

For starters, this is virtually impossible. The Forest Service does not even know where many of these ghost roads are. More important, this rider does not take into account whether these roads pose the greatest immediate threat to public safety or the environment.

In sum, this simplistic one-size-fits-all approach would wreak havoc on the ability of the Forest Service to sensibly manage roads in our National Forests.

As I mentioned early, the Forest Service now sets priorities for closing

roads on a forest-by-forest basis, based on what the public wants, based on public safety, based on environmental protection and restoration needs. A whole host of considerations go into it on a forest-by-forest basis or perhaps a district-by-district basis, not a one-size-fits-all national standard imposed on a Washington, DC, basis that you can't do anything with your system of roads until you either upgrade or close the ghost roads.

This rider would force the Forest Service to inventory thousands of miles of ghost roads and spend limited taxpayers' money upgrading or removing the roads, even if they are not causing safety or environmental problems.

Here is an example. Assume that the Deer Lodge National Forest in my State of Montana has an authorized road built to harvest timber, a very common occurrence. The timber has been harvested and the road is no longer needed, also very typical. Soon, the road is sliding down the mountain and it is unsafe for travel because of slippage and erosion and the road is clogging a stream, choking the fish in that stream, which often happens, too.

If this rider passed, the forest managers could not remove that road until it had inventoried the entire forest and found where each of the ghost roads were located and then either closed all those ghost roads or upgraded all to system standards. Let me repeat that. If this rider passed, the Forest Service could not remove the road I mentioned that is clogging up a stream until it has inventoried all ghost roads, and either upgraded the ghost roads—that is, the paths—to road standards, or closed them.

Plain and simple, this rider does not make sense. It does not meet the ''common sense'' test. It prevents the Forest Service from closing roads that now pose a very significant threat to public safety and the environment. It would prevent the Forest Service from doing its job. I believe the Forest Service should be able to close roads based on public needs, not on an arbitrary distinction of whether the road is authorized or unauthorized.

To protect public safety and the environment, I believe this rider on the Interior appropriations bill should be deleted.

PRIVILEGE OF THE FLOOR

Mr. BAUCUS. Mr. President, I ask unanimous consent that Ed Cole, a congressional fellow in my office, be granted floor privileges for the remainder of the day.

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

Mr. BAUCUS. One last rider I will mention. This rider is section 343 of the Interior appropriations bill which limits Federal and State actions to manage the Columbia/Snake River system.

I note that the chairman of the subcommittee is the present occupant of the Chair. In dealing with this subject, I have the utmost respect for what he is doing, particularly the great job he did in the Interior appropriations bill, which has many, many good features in it. He has worked very, very hard. It is a very complex bill, with NEA, the Forest Service, and Indian lands. I compliment the Chair.

With respect to this provision, we have a difference of opinion. I state that with all due respect.

The Columbia/Snake River basin covers about 259,000 square miles, including large parts of the State of Washington, Oregon, Idaho, Montana, and British Columbia. It is home to several endangered fish species, including several stocks of salmon. The number of salmon has fallen dramatically from an estimated 10 million fish in the historical runs to about 1 million today.

For several years, we have been trying to bring salmon back, in part by improving the operations of the river system.

We have improved fish screens; we have improved fish ladders. We have barged salmon around dams. We have modified water flows to help juvenile salmon migrate downstream and adult salmon migrate upstream.

These modifications have been controversial because they sometimes restrict other uses of the river, such as power generation, irrigation, transportation, and recreation.

Like many others in the Northwest delegation, I have not been particularly happy with every decision that has been made. In fact, I supported a cap on the amount of fish-related expenses that is passed along to BPA ratepayers. We had to have that cap or else I believe the Federal agency would have gone too far. I also oppose some of the drawdowns at the Libby dam and Hungry Horse dams in northwest Montana because of the effects on recreation and the adverse effects on the bull trout.

I have maintained, however, that we should work within the framework of our environmental laws. There are a lot of competing considerations, and one is the framework of our environmental laws. The rider that I am referring to, section 343 of the Interior appropriations bill, would change that. It would override the Endangered Species Act, it would override the Clean Water Act, the Northwest Power Planning Act, and the Federal Power Act.

To put the issue in perspective, let me briefly explain how the Columbia/Snake River system is managed now. In 1995, under the Endangered Species Act, the National Marine Fisheries Service issued a biological opinion describing the actions that the Corps of Engineers, the Bureau of Reclamation, and the Bonneville Power Administration must take, consistent with their other obligations, to save the wild salmon from extinction. The biological opinion includes both short and long-term measures.

In the short-term, it requires several changes. For example, it requires increased flows during fish migration seasons, better use of spills, improved methods of barging fish, limits on ocean fishing, and the use of more effective fish screens and fish ladders.

By 1999, it requires the Corps to assess the effect of a major drawdown of dams on the lower Snake River. This could include the breaching or removal of up to four dams. Those four dams are Ice Harbor, Lower Monumental, Little Goose, and Lower Granite. They can be seen on this map of the Columbia Reserve Basin.

What does this rider do? How would it affect current operations? It would have two main effects. The rider provides that the National Marine Fisheries Service, the Corps of Engineers and other agencies must receive specific congressional authorization before breaching or removing any federally operated or licensed dam on the Columbia/Snake system. In addition, the rider says that Federal and State agencies must get specific congressional authorization before taking any action that would ''diminish below present operational plans the Congressionally authorized uses of flood control, irrigation, navigation and * * * energy generating capacity of any such dam.''

Let me address these effects one at a time. The first issue is breaching or removing dams. As I said earlier, the Corps is studying the breach or removal of four dams on the lower Snake River—Ice Harbor, Lower Monumental, Little Goose and Lower Granite.

I understand the argument that over time, over the long term, breaching or removing the dam is the best way to protect and recover salmon. After all, if you return a river to its natural condition, you don't have to manage water levels to mimic the river's natural condition when fish migrate up or down stream.

But we are not living in the abstract. In most cases, removing a dam is a big step with major consequences for power production, for irrigation, for transportation, and for recreation. For example, breaching or removing the lower Snake River dams would most likely eliminate Lewiston, ID, as a river port. Many farmers from Idaho, Montana and elsewhere ship grain by truck or rail to Lewiston and barge to Portland for export to Asia.

I believe an action of this kind should definitely require congressional approval. But that is already the case. In testimony earlier this year, the Commander of the Corps' Northwest Division said,

> It is our opinion that the Corps cannot use its existing legal authority to remove lower Snake projects . . . New statutory authority would be required to undertake these actions since the proposed actions would eliminate or significantly affect specific project purposes provided for in the authorizing legislation.

That is the commander of the Corps' Northwest Division.

So there is not an issue here with respect to removing or breaching dams.

The rider is unnecessary in that respect. Congressional approval already is required.

This takes us to the second part of the rider. It requires congressional approval before an agency can take any action that will ''diminish below present operational plans'' the congressionally authorized uses of any dam on the Columbia/Snake system.

As I read the amendment, there would have to be specific congressional approval before a Federal or State agency makes any operational or management change that would reduce power production, irrigation, flood control or recreation. I believe that goes too far for three main reasons.

First, it is impractical. It would tie the management of the river system in knots. The management of the Columbia/Snake system is a very complex undertaking. It involves at least four Federal agencies: Bonneville Power, National Marine and Fisheries Service, Corps of Engineers and the Bureau of Reclamation. It also involves the Northwest Power Planning Council, the States of Montana, Idaho, Washington, Oregon, the government of Canada, many Indian tribes and scores of public and private utilities. There are hundreds of people involved.

To coordinate operations, the Federal agencies develop at least three operational plans each year: A flood control plan, a hydropower plan and a water management plan. During the spring and summer, a technical management team meets each week in Portland to review operations and make any necessary changes.

By locking everything in and providing that Congress must approve any action that diminishes other uses of the system below ''present operational plans,'' we would be micromanaging one of the largest and most complex river systems in the world.

The second problem is the congressional management may put several endangered species at risk of extinction. If changes are necessary to protect a newly listed species or further protect a species already listed to prevent it from being wiped out, the change would require congressional approval. Even minimal changes to provide specie protection may require Congress to act.

For example, new scientific evidence indicates that spills are more effective at protecting fish if they are conducted gradually over a 24-hour period rather than only at night. This approach slightly reduces power-generating capacity. So under the rider the agencies would need to get congressional approval before they can make a change.

The rider would not only threaten Federal efforts to protect the environment, but it would also threaten State efforts to protect the environment. Under section 401 of the Clean Water Act, when a Federal dam is being licensed or relicensed, States can impose conditions on the license in order to protect water quality. Many States do. For example, several States in the West have imposed conditions necessary to prevent dams from generating elevated levels of dissolved oxygen which can harm fish.

Utilities have questioned whether States have this authority, but the Supreme Court has held that they do.

The Gorton amendment would change all that. As I read it, a State agency could not impose any license condition that diminished power generation, unless it received the approval of the licensee or Congress.

That would, in effect, eliminate the section 401 authority that States have fought so hard to maintain.

The directors of the Western Governors' Association and the Western States Water Council share this view. In a joint letter, they say that, although their organizations do not take a position about breaching or making operational changes at any dam, the rider ''appears to clearly have the potential of diminishing State prerogatives under section 401, with regard to the rivers and streams identified in the amendment.''

The Federal Energy Regulatory Commission also takes this view. In a letter, the FERC Chairman says that the rider ''would bar, absent specific congressional approval, State and Federal agencies from requiring or authorizing certain actions affecting the authorized uses of any Federal or federally-licensed dams on the Columbia or Snake rivers or their tributaries.''

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

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

WESTERN GOVERNORS' ASSOCIATION,
WESTERN STATES WATER COUNCIL,
September 18, 1998.

Hon. JOHN H. CHAFEE,
Committee on Environment and Public Works.
Hon. MAX BAUCUS,
Committee on Environment and Public Works.

DEAR SENATORS: We have just learned that the Committee is considering the question of whether a proposed amendment would affect state Section 401 authority under the Clean Water Act. This relates to amendment No. 3555 offered on behalf of Senator Gorton. Given the time constraints, our organizations are not able to collectively express themselves with regard to this question. However, after consulting with our lead states on this issue, we are writing to express our view that the amendment appears to clearly have the potential of diminishing state prerogatives under Section 401, with regard to the rivers and streams identified in the proposed amendment. In so doing, we do not express an opinion as to the merits of any action to breach or remove any dam or to alter operational plans relative to any dam. Rather, the point of this letter is to advise the Committee of the position of the western states with regard to Section 401 authority, and to convey our concerns that the proposed amendment as written could diminish that authority.

The Western States Water Council has been working with the Western Governor's Association for some time to preserve state prerogatives relative to protecting water quality associated with proposed federally licensed projects. A resolution by the Western Governors' Association relative to this matter is enclosed for your reference. Since the Supreme Court upheld Washington's position in the so-called Tacoma case regarding the scope of state 401 authority, the hydropower industry has sought to persuade Congress to reverse or limit this decision. We have strongly opposed such efforts.

We hope that the Committee will consider these views as it considers the potential effects of the proposed amendment. If you have any questions regarding these matters, please let us know.

Best regards,

D. CRAIG BELL,
Executive Director, WSWC.
RICHARD BECHTEL,
Director, WGA–D.C.

FEDERAL ENERGY REGULATORY COMMISSION,
Washington, DC, September 8, 1998.

Hon. DALE BUMPERS,
U.S. Senate,
Washington, D.C.

DEAR SENATOR BUMPERS: In response to your staff's request, I am writing with respect to Section 343 of S. 2237 (the FY 1999 appropriations bill for the Department of the Interior). That section, if enacted, could have a potentially significant effect on the Federal Energy Regulatory Commission's regulation of non-federal hydroelectric projects in the Columbia and Snake River Basins.

Section 343 of the bill would bar, absent specific Congressional approval, state and federal agencies from requiring or authorizing certain actions affecting the authorized uses of any federal or FERC-licensed dams on the Columbia or Snake Rivers or their tributaries. The proscribed actions would include reducing the generating capacity of any such dams; reducing their reservoirs below minimum operating pools (except as necessary for flood control, navigation, and safety); and requiring the release of stored water.

Section 343 would constrain the Commission's flexibility to act responsibly in its continuous oversight of licensed projects in these river basins. Moreover, as existing licenses expire, the provision would constrain the Commission's flexibility to balance the multiple public interest considerations involved, as required by the Federal Power Act, upon relicensing these projects.

Thank you for your interest in this matter. If you have further questions concerning the implications of Section 343 for the Commission's regulatory activities, please do not hesitate to contact me.

Sincerely,

JAMES J. HOECKER,
Chairman.

Mr. BAUCUS. Third, the amendment will have some unintended, and perhaps dangerous, effects.

Not all changes to the operation of the Columbia/Snake river system are made for the purpose of protecting fish and wildlife. Often, there are other reasons.

Recently, there were concerns about sabotage of the Grand Coulee dam. The water levels were lowered, so that emergency repairs could be made. This reduced power generating capacity, probably worth a few million dollars. Under the rider, the reduction in water levels would have had to be approved by Congress.

Another example. In some situations, it may be appropriate to provide more

water for irrigation, at the expense of power production. Or vice versa.

Or to set more space aside for flood control. Each year, the planning process starts by measuring the snowpack and predicting the runoff.

In a particularly wet year, like 1997, operational changes may be needed to prevent downstream flooding, by setting aside more storage space in upstream reservoirs.

In a particularly dry year, operational changes may need to be made to allocate scare water among competing uses.

In many of these cases, under the rider, the agencies could only act if they received specific Congressional approval.

Mr. President, we all know how hard it is to get anything passed around here. Any change that is at all controversial can be at least delayed, and maybe stopped completely.

Do we really want decisions like this, that may need to be made quickly in response to constantly changing circumstances, to require specific Congressional approval?

To sum it all up, this is no way to run one of the world's largest and most complex river systems. That's why we have expert federal and state agencies, like the Northwest Power Planning Council and BPA.

Congress should set clear legal standards. When necessary, we must improve those standards. That's why I support S. 1180, a bill to improve the Endangered Species Act.

Congress also should conduct careful oversight.

But we should not require Congressional approval of the complex decisions that managers must make so that the river system functions smoothly.

By requiring Congressional approval of any changes that diminish the use of the system below ''present operational plans,'' the rider goes too far.

Mr. President, I yield the floor.

ON THE DEATH OF TOM BRADLEY

Mrs. FEINSTEIN. Mr. President, for me, this is a sad day. Someone in politics whom I have very much respected passed away this morning, and that was Tom Bradley, former mayor of Los Angeles. Tom was one of America's finest mayors, a tireless advocate on behalf of the cities of America. I had an opportunity to work closely with him during the 1980s when we were both mayors.

I saw firsthand how he would go about solving a problem. He was kind and gentle, but he was tenacious about promoting the city of Los Angeles that he so deeply loved.

He leaves a rich legacy for Los Angeles and for the entire State of California. No Californian—and particularly no Los Angeleno—will ever forget the pride of hosting the 1984 Olympics. Tom Bradley showed that an American city could host a profitable and spirited Olympic ceremony.

His other accomplishments are many: Bringing public rail transportation to his city; building an international airport—Tom Bradley Airport—and a port that generated hundreds of thousands of jobs for the region; opening the doors of city government so that city workers reflected the rich cultural diversity of Los Angeles.

One particular vision I have of Tom Bradley which I will never forget is when we met, of all places, on the Great Wall of China as mayors in June of 1979. I was there to secure a sister city relationship between San Francisco and the city of Shanghai. While San Francisco got that relationship, Tom Bradley went right out and secured a similar relationship between Los Angeles and Guangzhou.

Tom knew the importance that the Pacific Rim would play in his city's future and he would literally travel anywhere in the world to help promote the city. He was a forceful and successful advocate for the cities of America every time cities needed a strong voice. His presence was matched by a wonderful and soft gentleness that I, personally, will never forget.

My deepest sorrow goes to his family and to his many friends. Mr. President, I know we all will do our part to see that Tom Bradley's vision for Los Angeles lives on and on for generations to come.

INTERNET TAX FREEDOM ACT—MOTION TO PROCEED

The PRESIDING OFFICER (Mr. GORTON). The clerk will report the motion to proceed to S. 442.

The legislative clerk read as follows:

Motion to proceed to the consideration of S. 442, a bill to establish national policy against State and local government interference with interstate commerce on the Internet or interactive computer services, and to exercise Congressional jurisdiction over interstate commerce by establishing a moratorium on the imposition of exaction that would interfere with the free flow of commerce via the Internet, and for other purposes.

The Senate proceeded to consider the motion.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, I was under the impression that we had time to speak in the time allocated under the cloture motion; am I correct?

The PRESIDING OFFICER. That is correct. Time allocated under cloture has begun. The Senator has one hour to speak.

Mr. KENNEDY. I thank the Chair.

Mr. President, I had voted in favor of moving ahead with the legislation itself because it is important. However, I daresay that I want to take a few moments of the Senate's time here to review the bidding about where we are on legislation and where we are not on legislation.

PATIENTS' BILL OF RIGHTS

Mr. KENNEDY. I want to address the Senate this afternoon because of my continued concern that we are not addressing one of the most important areas of concern for American families, and that is the legislation which is known as the Patients' Bill of Rights. I and a number of our colleagues have cosponsored Senator DASCHLE's legislation. I had hoped that we could debate and reach conclusion on this legislation. I believe the overwhelming majority of our colleagues on this side of the aisle are in support of this legislation and, if we had an opportunity to debate this issue, I think we would have support as well from Members on the other side.

Basically, it is a fundamental issue that I think all Americans can understand. This issue centers around whether doctors are going to make decisions with regard to the treatment of patients in our country, or whether we are going to have those decisions made by accountants—whose primary interest is enhancing the profits of the HMOs rather than the health of its patients. That is really at the heart of the Patients' Bill of Rights. There are other important protections, but that is at the heart of it.

This issue affects about 160 million American policy holders. Our legislation is supported by more than 180 leading health care organizations—virtually all of the major doctors' organizations, nursing organizations, and consumer organizations.

I have read the comments of some of our colleagues on the other side of the aisle. They distort the provisions of this legislation and talk about it as legislation which is unnecessary and legislation that will complicate the current practice of medicine. But, listen to the doctors. They say it will simplify the practice of medicine.

It does seem to me valuable to consider what the doctors say about this, what the nurses say about this, and what the overwhelming, virtually unanimous sense of the health professionals is about it, and they say that they strongly support our legislation. They are opposed to the Republican legislation. But all of them are asking when will the Republican leadership yield and permit us—permit us meaning the Senate—to take up this legislation and debate it and reach a resolution on these various issues. That is the matter I am addressing here this afternoon.

Over the period of the last 2 weeks in the Senate we have had votes on the salting legislation. I bet if we asked the Americans who are listening or watching this afternoon what the salting legislation is really all about and where it fits on their list of priorities, many of them would not know what it is all about. It is basically a technique which is used—and used effectively and legitimately according to the Supreme Court with its unanimous vote—to permit the organization of workers in

sites across this country. But some of our Republican friends desired to repeal that legislation. So we had votes on that.

We have had votes on the bankruptcy legislation which affects about 1,200,000 of our fellow citizens. We have had votes on the so-called Child Custody Protection Act. We have now been debating in the last day or two the Vacancies Act. We are also considering the Internet tax provision. The majority leader has talked about financial services legislation. And then we are going to come into a situation, perhaps next week, where we are going to have the opportunity to address the tax cut proposal of our Republican friends in the House of Representatives. They want to use tax revenues which have been paid into the Treasury, which are Social Security revenues, to provide tax breaks for the wealthiest individuals in our country.

But we understand the surplus this year and in future years is the result of funds that have been paid in by workers to fund Social Security benefits. When you exclude these Social Security benefits, you see that we really do not have a surplus. What we have is money raised by working families to pay for Social Security. Our Republican friends want to take some $80 billion of that and use it for tax breaks that would primarily benefit the wealthiest individuals in our society.

I see one provision in their plan will decrease the estate tax for millionaires. Let me tell every taxpayer who might be watching that you will have an interest in this provision only if you intend to leave more than $600,000 to one of your children. This Republican-sponsored provision will permit you to leave $1 million. It affects only 2 percent of the taxpayers, but it will cost some $18 billion—$18 billion out of funds that are paid in by workers to pay for Social Security. The majority plans to take that money out and use the $18 billion to offset the revenue losses that will result if the Republicans pass their particular proposal to expand the estate tax. We will have a chance to debate that issue.

But, Mr. President, where in this agenda is the issue of the Patients' Bill of Rights, something that is of fundamental concern to virtually every working family? Are we trying to suggest that the salting legislation or the Vacancies Act or even the Internet tax issue is of nearly the consequence or importance of the Patients' Bill of Rights? Not so. But still the majority leader refuses to permit us to debate and discuss it in the Senate.

The Republican leadership didn't permit it last Friday when most Americans were out working and the Senate effectively closed down at about 11 o'clock. There were Members who spoke after 11 o clock, including myself, and we pointed out that we could have been debating HMO reform on Friday afternoon. We could have been debating it on Monday—when most of the afternoon was taken up in quorum calls before the vote in the late afternoon—or even debated it on Monday evening.

Mr. President, I am not going to take the time to review with the Senate the amount of hours we have spent in quorum calls over the period of the last 2 weeks. We could have debated this, taken votes on these measures, and resolved these matters in a way that I think would have yielded some very important and basic protections for families.

I think we would have resolved this in favor of protecting children in our country. I think we would have carried overwhelmingly in the Senate the provisions that would have permitted families with a sick child to bring that child to the nearest emergency room. I think we would have won that in the Senate. I can understand why our Republican friends do not want to vote on that issue, and show the American people where they stand. I hope that at least a majority of them would have supported our provision, if they were given the opportunity.

I think they would have supported our provision to guarantee specialty care for children who have dread diseases like cancer. I think they would have supported ensuring that a child with cancer should have access to an oncologist who is trained to work with children and with the cancer of the particular child. I think we would have done that, just as I think we would have provided additional specialty care protections for adults who have certain medical needs, whether it is physical or mental disabilities or challenges or chronic conditions like arthritis or diabetes. I think we would have won those.

I think we would have been successful in debating and reaching a successful conclusion in ensuring access to clinical trials for women who have breast cancer and other patients with life-threatening diseases. With all the possibilities that are out there for breakthrough therapies, why are we continuing to deny women the opportunity to go into clinical trials? We guarantee that in our Patients' Bill of Rights. The other side does not. Why aren't we debating whether we are going to increase access to clinical trials for women or children who have cancer, or patients with other diseases that do not respond to conventional therapies? I think we should be able to debate that issue.

I think we ought to be able to debate the issues around having access to the kind of prescription drugs that are recommended by doctors, instead of being limited to the medications preferred by the plan. We have had heard testimony from the mental health community that indicates that many of the individuals who need certain kinds of prescription drugs are required to take older, less effective drugs that are on the HMO's list. Before the plan will even consider giving them access to the drugs that the doctor knows is best, the accountant in that HMO says, No, you can't use that one until you have shown that the previous two failed to work. Mr. President, these patients are only given access to the drugs that the doctor knows are best after they have shown that the plan s drugs failed to work at least two times. I think we could have debated that. And I think we could have been successful in that debate as well.

And the list goes on, Mr. President, including whether patients should have the right to a timely and independent review, if an HMO denies care. I think we could have won that particular measure, too.

We also should address whether we are going to say that HMOs should be held accountable if their actions, as a result of negligence, result in the loss of life or grievous bodily injury.

Who else is going to be the breadwinner for a family if an insurance company's negligent actions result in the loss of life of that individual? Why is the Republican leadership allowing the insurance industry to remain the only particular protected industry in the United States of America? If these companies are going to take certain action that is going to result in the death or serious disability to an individual, why should they be free from accountability? They should not be. We ought to be able to debate that in the U.S. Senate.

These are just some of the points that are in the Daschle legislation which we wanted to debate. But, no. Instead, we are debating salting legislation, we are debating the Vacancies Act, the Internet tax, and we will soon be debating financial services legislation, but not the issues that affect the quality of life of our children, our parents, our loved ones, our families. Why? Because the Republican leadership refuses to do it. Why? Because evidently they think we may have the votes to pass it.

We are still asked, is there enough time to pass this? Absolutely. Evidently our Republican leaders think there must be, too, because they continue to refuse to let us have the chance to debate this.

Senator DASCHLE has requested time and time again the opportunity to debate these issues. ''No way,'' says the Republican leadership. ''No way.'' They even closed the Senate down a little over a week ago when they refused to let Members speak on the floor of the U.S. Senate. ''No,'' the Republican leader said, ''We set the calendar, we set the schedule, and you are not even going to have the time-honored process that is guaranteed under the rules of the Senate of being able to amend a piece of legislation, because if you are not going to behave yourselves''—in other words, ''if you are not going to accept our gagging you,'' as so many of the HMOs are doing in terms of gagging doctors from making recommendations about what is the appropriate kind of health treatment for

the illness and sickness of the patients they are dealing with—''we are not going to even debate that bill. We are going to pull the bill. We are going to take it off the floor, and we are going to put it back on the calendar,'' as he has done.

That is what is happening in the U.S. Senate these days. We were fortunate to have just had an opportunity to debate raising the minimum wage. We said that working men and women in this country, who work 40 hours a week and 52 weeks a year, ought to have a livable wage. We were not successful on the issue. We lost on that, but we had the opportunity to debate and go on record with our positions. What we are saying now is: Let us have a debate; let us have the debate on the questions of health care quality. This is something which is of enormous importance.

Mr. President, as I mentioned, this isn't just something a number of us have been in strong support of. I want to mention an editorial in Sunday's Washington Post that cut through the Republican leadership's smokescreen of evasion and distortion on managed care. The editorial was entitled ''Double Loss on Managed Care.'' The author says:

> Mr. Clinton . . . took the lead months ago in proposing that Congress pass a ''Patients' Bill of Rights'' to limit how far managed care companies and other insurers can go in denying care in order to cut costs. Democrats in both Houses built on his proposals. The initial reaction of House Republican leaders was to say no bill was necessary. By July, that had ceased to be a comfortable position and, to give their members more cover, they allowed a mostly token bill to pass.
>
> In the Senate, the leadership also produced a token bill but refused to bring it to the floor unless the Democrats agreed to limit themselves to a handful of amendments, which the Democrats said would make a shell of the proceedings. To thwart the Democrats when they have tried to bring up their own bill, the Republicans have all but shut the Senate down.

There it is, Mr. President. That isn't Senator DASCHLE saying that or myself saying that or any number of my colleagues—Senator BOXER, Senator MURRAY, Senator DURBIN. You can call the roll on so many of our colleagues. That isn't any individual Member saying that. Here it is in a Washington Post editorial, which has captured in two paragraphs exactly what we have been saying day after day after day, week after week after week, month after month after month. They understand it, Mr. President, and the American people understand.

The editorial goes on to say that it disagrees with some provisions of the Democratic bill but, in its words:

> That could be dealt with in the normal legislative process, if only the Republicans would allow the process to occur. For a combination of political and doctrinal reasons, they won't, anymore than earlier in the year, they allowed tobacco or campaign reform legislation to pass. They ought to be made to answer for their record, but so far they have not.

There it is, Mr. President, clear as can be for all to see, and the American people are increasingly aware of the current situation. That editorial captures it. It is clear what is going on here. It is clear to the Washington Post. It is clear to every Member of the Senate. It should be clear to the American people.

The American people want Congress to pass strong, effective legislation to end the abuses by HMOs, managed care plans and health insurance companies. The Patients' Bill of Rights, sponsored by Senator DASCHLE and other Senate Democrats, provides the needed and long overdue antidote to these festering and growing abuses. Our goal is to protect patients and see that insurance plans provide the quality care they promise in brochures but too often fail to deliver.

Our bill has been on the Senate calendar since March. Earlier legislation was introduced more than a year and a half ago, but the Senate has taken no action because the Republican leadership has been compounding the HMO abuses by abusing the rules of the Senate to block meaningful reform.

This record of abuse should be unacceptable to the Senate, and, certainly, unacceptable to the American people. One of the most indefensible gaps in the Republican plan is its failure to cover public employees. The GOP plan offers no protection for the 23 million people who serve the public by working for State and local governments. The Republican leadership is saying ''No'' to the police officers and the firefighters who put their lives on the line every day to safeguard the public; ''No'' to the schoolteachers who educate our children; no to nurses; ''No'' to social workers, doctors, and others who spend their days caring for people in public health agencies and State and county hospitals; and ''No'' to countless other professionals who serve the public through State and local governments.

I will take just a few moments of the Senate's time to refer to three excellent commentaries that we heard today. I will have the full statements printed in the RECORD. First, we will hear from Jerry Flynn:

> My name is Jerry Flynn. I am a police officer with the City of Lowell, Massachusetts Police Department. I am also the National Vice-President of the International Brotherhood of Police Officers. . .
>
> . . . Unlike the sham being proposed by the Republican Leadership, [the Democratic leadership plan] is the only legislation that would actually protect patients and address the abuses of managed care.
>
> . . . Of particular concern to me, is the fact that the Senate Republican Leadership bill does not apply to public employees. This means all state and local government employees in Lowell, as well as millions of other public workers who are covered under managed care plans, would not be protected under the limited provisions of the Republican version of the bill.

The fact is that the Republican bill leaves out more than 100 million Americans with private insurance. Of that group, we have some 23 million who are public employees.

Let me continue with Jerry Flynn's comments:

> Don't public employees deserve the same protections as other Americans? Don't public employees deserve the same medical treatment as other Americans? It's high time Senate Majority Leader Trent Lott and the rest of the Republican Leadership stop treating public employees as second class citizens.
>
> As police officers, we know the importance of comprehensive medical coverage.
>
> Whether the injury is slight or life threatening, whether it involves a civilian or fellow officer, whether it involves an elderly person or a small child, the single most important factor is that we get the best medical treatment possible—and that the quality of care be determined by need, not by cost.

Mr. President, listen to Tom McEachin:

> . . . I am a fire fighter in Prince George's County, Maryland. Fire fighters and paramedics are the first responders to the overwhelming majority of acute medical incidents in this nation. Every day we see the faces of those Americans that the Patients' Bill of Rights Act would protect. We see the look of fear on their faces as they react to the emergency situations their loved ones face. They're not only afraid for the lives of those they love, they're also afraid about what the accountants at their HMOs will say about the decisions they have just made. They're afraid they'll be denied coverage and have to find a way to pay astronomical bills or face long-term indebtedness. The way the system's set up now, they sometimes end up hoping that there's something seriously wrong with their loved ones, because they're afraid of what the bean counters will say if they decide it wasn't a true emergency.

Listen to these last few lines, Mr. President.

> Fire fighters work in the worst of conditions. We go where the danger is the greatest, during careers that can last more than 20 years. Each year, more than half of us are injured on the job, and the environmental hazards we face have been proven to cause various forms of cancer, heart disease and other life-threatening diseases. All we ask in return for the risks we take is the simple guarantee that our health coverage will protect us and our loved ones when we need it. The Patients' Bill of Rights will do just that.
>
> The 23 million state and local public employees who are not covered by the Republican leadership's bill deserve better. The citizens we serve deserve better. The American public deserves better. As a fire fighter, all I'm asking for is that my elected leaders treat me as I would treat them or their family members if I had to rescue them in an emergency situation. It's only fair.

Listen to that, Mr. President. This is from a firefighter. He is left out of the Republican bill, but protected in our bill. Let's debate whether he and his colleagues should be included or excluded. That is what we are saying to the Republican leadership. And we have silence over there. This is what Thomas McEachin said:

> The citizens we serve deserve better. The American public deserves better. As a fire fighter, all I'm asking for is that my elected leaders treat me as I would treat them or their family members if I had to rescue them in an emergency situation. It's only fair.

Why can't we debate that? That is true with every firefighter in this country. It is true about every police

officer in this country. It is true about every teacher in this country—all of them are excluded under the Republican bill. Can't we debate that? Twenty-three million Americans left out, left behind. We are not discussing this in the Senate—no, no. We have to debate the Vacancies Act. We have to debate Internet tax. We have to debate salting. We have to debate child custody. We have to debate all of those issues. We have to debate all of those issues, but we cannot debate the concerns raised by Thomas McEachin. We cannot seem to make every Member in this body accountable for their vote. I can understand why the Republicans do not want to go on record with their position. I can understand why they do not want to. But that is not a good enough answer.

Mr. President, the statements keep coming. Here is one from Doris Brightful, a registered nurse, now retired after 32 years with the Baltimore City Health Department. And I will include, as I mentioned, in the RECORD all of these statements.

. . . I am not just here today as a health care professional. Nurses are also health care consumers. Nursing is a dangerous profession, and nurses are often injured on the job or exposed to dangerous infectious diseases. We know that, sooner or later, we will need medical care. My family members and my loved ones also will one day need health care. Therefore, I am outraged that Senator Lott and other Republicans would exclude me, my family and some 23 million other state and local public employees from even those few protections that are offered in their health care proposal. School teachers, firefighters, public safety officers—and, yes, doctors and nurses working in public health facilities—work hard every day looking out for the well-being of our communities. Yet, the Republican bill would deny us many of the same protections that our patients would have under this plan.

All they want are the same protections—''the same protections that our patients would have under this plan.'' Nurse Brightful concludes:

In closing, I would just like to point out that the first guiding principle in the Health Care Consumer Bill of Rights, as set forth by the President's Advisory Commission on Consumer Protection and Quality in the Health Care Industry was this: All consumers are created equal. The Republican bill violates this principle, and should be rejected.

Instead, the Senate should pass S. 1890, the Patients Bill of Rights, so that all Americans are protected.

Here it is, Mr. President. These are the real stories of what is happening out across America. These are the comments of three of our fellow citizens—a firefighter, a police officer, a nurse—talking about the kinds of inequities that exist out there. There are 23 million Americans in their situation, and still we cannot get this legislation up on the floor.

The Republican leadership says we have too many bills to debate but, Mr. President, the American families know what is going on here. The doctors know what is going on. The nurses understand what is going on. The newspapers around this country know what is going on. We are being denied the opportunity to have a debate of this bill and to try to pass something that would be worthy of the Senate's actions.

Mr. President, this is just one aspect of the differences between the Democratic and Republican health programs. We have tried, over the period of recent weeks, to bring examples of those that would be affected by either the inclusion or exclusion of the various protections in the proposals, and to bring those examples to the attention of the Senate over the period of recent days and weeks. We will continue to do so.

How much time, Mr. President?

The PRESIDING OFFICER. Thirty minutes.

Mr. KENNEDY. Mr. President, at other forums we heard about the need for access to specialty care—one of the most important ways in which managed care plans shortchange patients. This is a right guaranteed in our Patients' Bill of Rights but not in our Republican plan.

Dr. Mirtha Casimir, a distinguished oncologist from Houston, Texas, outlined the tragedy she sees every single day because HMOs unduly restrict access to specialists. This is what Dr. Casimir's statement was:

Cancer patients today are facing a painful irony. At a time of unprecedented progress in the understanding of the genetic and cellular origins of cancer, as well as parallel advances in drug development and design, the insurance industry is exposing new cost containment.

Many medical oncologists are concerned about timely access to cancer care and how the significant delays and referrals are impacting early diagnosis and the outcome of therapies in the first and subsequent courses of treatment. Not uncommonly, I now see in my practice delays of 2 to 4 months in a diagnosis of a new primary cancer or the detection of a recurrence.

And what the doctor continues to point out is that when she finally sees these cases, it is often too late. For example, she sees women in her practice who have started out with a very, very small tumor in their breast, and then they have been delayed access to a specialist and denied various kinds of treatment. Their appeals go on and on through the HMOs, and finally, when they get to a skilled oncologist, after weeks and months, often it is too late—often it is too late. The tumor has spread too far.

And Dr. Casimir said that more often than not when she flips to the front part of the chart, she will see that the patient is covered by an HMO. She will see that the initial request was denied for the kind of treatment that she could provide. And more often than not, she believes, as a skilled physician, that she could have saved the life of that individual if they had been able to get the prompt kind of a treatment and care. She wraps up in her statement by saying:

Poor quality of care is always more expensive, both in human terms as well as in the resources expended to try to right the wrong. If the Patients' Bill of Rights is not passed, patients will continue to experience the hostility of this turbulent health care environment in which care is constrained, physicians are controlled, needs of cancer patients are not addressed, and critically important quality of life interventions are viewed as dispensable.

That is the statement from one of the top oncologists in the country, and the rest of the testimony spells out additional reasons in support of those points.

On September 15, we heard from the past president of the American Academy of Neurology, Dr. Ken Viste from Wisconsin:

This country needs fair and compassionate legislation establishing the national standard for all health plans in order to help not harm people with chronic conditions or disabilities.

The American Academy of Neurology said:

The House Republican leadership's bill, which passed the House, fails to protect the rights and address the needs of patients.

There it is, Mr. President, from the American Academy of Neurology. Dr. Viste continued:

It is critical for people who need a medical specialist's care to be able to seek the treatment from them directly, immediately, and without penalty. The Daschle-Kennedy bill answers this need by assuring that people with complex, chronic conditions have direct access to specialists within a health plan. And, if no specialist exists in the plan, consumers have a right at no cost to seek a specialist outside of the plan. We believe any adequate patient protection legislation must include these provisions.

Willis Lester, one of the speakers at the rally, explained when his employer switched to a managed care plan, his new primary care doctor took him off his blood pressure and cholesterol medications. Consequently, Lester suffered a stroke. According to Dr. Nancy Futrell . . . the stroke is a direct result of high blood pressure and high cholesterol, which would have been controlled by his medications.

Dr. Futrell added that Lester's plan has limited his physical therapy, ''essentially impairing his recovery.''

Explains Dr. Viste:

With the rise of managed care, we've seen many patients with chronic conditions denied access to quality, specialized medical care that they need. As a result, some of these patients suffer long-term effects and end up on disability, driving up costs to employers. Patients need a law with ''teeth'' that guarantees they will be able to see a specialist, appeal to obtain a medically necessary drug when denied such under a prescription plan, and appeal denial of care to an independent decison-making body.

Not only will the patient benefit, but in the end, the employers, as well.

The Epilepsy Foundation, the National Multiple Sclerosis Society, United Cerebral Palsy, the American Parkinson's Disease Foundation, the Brain Injury Association, the Consortium for Citizens with Disabilities joined the [American Academy of Neurology] leaders and members . . . in advocating the passage of S. 1890.

The Epilepsy Foundation, National Multiple Sclerosis Society, United Cerebral Palsy, Parkinson's Disease Foundation, Brain Injury Association—

every one of these groups say that our legislation provides the protections which are necessary for our families, and the GOP bill does not.

We don't even have an opportunity to debate or discuss this. The majority refuses to debate. We are still waiting to hear the name of that first major medical society that supports the Republican proposal. We are still waiting. They haven't been able to come up with one, not one. Virtually every major health care group supports our program. They all do.

We will make adjustments and changes in any legislation to try and move the legislation forward, but we are not going to compromise on vital protections. Every major medical professional group supports ours. None, not one, support theirs.

The list goes on. This is from a statement of Jeanne Carpenter, the president of the Epilepsy Foundation, in support of the Patients Bill of Rights:

> The Epilepsy Foundation historically has been a strong advocate for patients rights. We support affordable and quality health care for all Americans. And that begins with giving consumers the choice of health plans, a feature we are pleased to see included in the proposed legislation.
>
> We especially support several key provisions [in the legislation]—access to specialists and provider choice, detailed patient information, independent internal and external review of service denials, and coverage for nonformulary prescriptions where medically necessary.
>
> Many patients and families tell us they are deeply frustrated being denied referrals to specialists and the full range of treatment options that specialized treatment centers can provide. Not only is patient quality of life adversely affected, but denial of services is a false economy. It produces added cost for unnecessary emergency room and dental services, lost productivity and other seizure-related expenses.
>
> Seizure control for many epilepsy patients is a complex matter with important subtleties not always recognized in the primary care setting. Families whose children continue to have seizures need and deserve the opportunity to have their cases reviewed by third parties with full knowledge of the disorder and rapid progress is now being made in its treatment.
>
> Patients' rights legislation is long overdue. Each day of delay, there are children whose chances in life are being jeopardized because of ongoing seizures. We strongly urge passage of these protections during the current session of Congress and at the earliest possible moment.

Do we hear that? Every day of delayed debate and inaction we are putting at risk children whose lives are being jeopardized because of ongoing seizures. How many are being jeopardized if we don't complete the Vacancies Act? Or the salting act or the Internet tax or the financial services legislation? How many? Here, Mr. President, are the real issues. This is what is really important in our remaining time this year.

It is very clear why all of these organizations support this proposal. We have built into it not only the guarantee of specialty care, but real internal and external appeals.

I will make a brief comment about the appeal procedures under the Republican proposal. Under their plan, the decision to allow a patient to proceed to a so-called independent appeal will be made by the HMO itself, in consultation with their lawyers. Talk about having the fox guard the hen house, this is putting the fox in there. Do you know what will happen under the Republican House plan? Even if the patient wins on the appeal, the plan doesn't have to accept it. If they choose, they don't have to follow it. So they can show a brochure to anybody buying insurance, look you have an appeal. But they probably don't explain that it is decided by the plan and that the plan doesn t have to follow the ruling if it benefits the patient.

Our Republican friends say yes, we have an appeal provision. They say yes, we have it in our proposal. But this is the appeal they have. It doesn't work in quite the same way as ours.

I see two of my good friends and colleagues here, so I will wind up. It is important to understand that this issue is not going to go away.

As I have mentioned many times, the provisions listed on this chart and included in our legislation have either been recommended by the President's bipartisan commission—which required unanimous support by its members—or were put in Medicare by the Congress or have been endorsed by the National Association of Insurance Commissioners or recommended by the American Association of Health Plans, which represents HMOs across the country.

And, while the President's Commission did not specifically draft legislation, they did not rule out legislation either. They simply said that all Americans should have these protections. Most of our bill reflects the Commission's recommendations. Many of these provisions currently protect our seniors in Medicare. There is a lot of overlap here. The HMO trade group and the State insurance commissioners—again, Republicans and Democrats alike—have said these are important protections. Virtually all of our proposals have been recommended or adopted by other health care programs or experts. Talk about a modest proposal.

This is really a reflection of the best of those who understand this issue and have studied it for some period of time—probably for 8 to 10 years.

That is what this is all about. It is sensible. It is responsible. It is common sense. It is common sense to take a sick child to the nearest emergency room and not across town. It is common sense to get a specialist to take care of a particular kind of need. That makes sense. It is common sense to give the best medical prescription drug to somebody who is ill. It is common sense, with the breakthrough technologies and unprecedented progress that we are making in medicine, to allow people who can benefit from clinical trials to be able to participate in those clinical trials. It doesn't cost the HMOs very much more because they are going to have to pay for the basic routine care in any event, and that care will continue. The clinical trial pays for the additional treatment. So the cost isn't that great. But too many patients don't have this right, and those who think they do are increasingly denied it.

The list goes on. These are common sense proposals, Mr. President. It is common sense to hold people accountable for their actions. When you hold them accountable, you get better performance. The best testimony on the issues of appeals and accountability that we heard was when Senator SPECTER had his excellent hearing. We learned that court cases rarely occur, even when patients can hold their plans accountable. The 23 million employees of state and local governments can take their plans to court, as can the 15 million patients with individual health insurance. We know how that works. It is rarely used. Why? Because it is there. In most cases, the internal and external appeals resolve it before it needs to go to court. In the end, with few exceptions, it doesn't involve a court case. But what is clear—and the testimony is overwhelming because it is there—is that you get better quality. These plans can be held accountable for their actions, but we see that there is not as great a need when that right exists for patients.

That is what we are interested in. We are interested in the best quality. We believe the American people should be entitled to it.

These are some of the stories that we have heard in recent times. We can go right down the list of protections in our bill and in every one of these areas on this chart, you can find compelling stories. We just ask to debate and vote on these issues.

All we ask is that we cut back on some of the quorum calls that we have had here lately. All we ask is that we follow Senator DASCHLE's suggestion that we may debate these in the course of the evenings, at the end of this week and part of next week, and have some resolution of these issues. All we ask is that we give the American people at least an understanding that this institution is addressing something that is fundamentally important to their lives and the lives of their loved ones.

I yield the floor.

Mr. GRAHAM addressed the Chair.

The PRESIDING OFFICER. The Senator from Florida is recognized.

Mr. GRAHAM. Mr. President, I concur with the sense of urgency that our colleague from Massachusetts just presented on this issue. With every day that goes by, another American family is at risk because they do not have these guaranteed protections; another American family is in a quandary because they do not have the kind of information that this would assure.

The Senator from Massachusetts has spoken in great detail—and the Senator from Rhode Island will shortly do

likewise—on this. If I could just focus on two items. The most contentious area between patients and their health maintenance organization is the emergency room. That is where the greatest number of disputes as to the appropriateness of service and responsibility for payment of service occurs.

Recognizing that fact, last year, this Congress passed a very strong provision for the 35 million Americans who receive their health care financing through Medicare, to protect them relative to their HMO in an emergency room setting. Basically, the standard is, if you are a reasonable lay person and you are suffering from symptoms that a reasonable lay person would feel appropriate for emergency room treatment—say, you have a pain in your left chest—you can go to the emergency room, receive treatment, and not be faced a month later with an enormous bill from that same emergency room because the HMO denied coverage. The HMO is required to provide coverage.

If you will notice on the chart, I believe it will indicate that both bills—the GOP's and the Democratic—have emergency room access. But that is not the end of the matter. It is not just a matter of getting into the emergency room and having assurance that somebody is going to look at you and determine whether your pain is angina or a heart attack. Then, after that decision is made, there is another critical period. That is what is called the postdiagnostic stabilization period, where something is done to you to bring you back to a level of health that will allow you to return home.

There is a significant difference, because the Democratic bill provides that that postdiagnostic stabilization period is also guaranteed to be covered. That is not the case with the Republican bill. So you can't just look at a chart with three or four words behind the number and assume that we are talking about parity protections. That is what we ought to be debating. Is there a rational reason to have emergency room access covered, as it is in Medicare, but not to have, as it is in Medicare, the postdiagnostic stabilization covered? We could have a good debate on that issue, and we ought to have that debate.

Secondly, the issue of informed judgment. Many citizens now have the opportunity to select from a variety of HMOs. They may be with an employer plan that provides multiple HMOs, or if they are purchasing from their own resources from the marketplace, what typically is absent is the means by which even the most concerned and conscientious citizen can make an informed judgment among this variety of plans.

So we have a provision for information to be made available on the quality of the plan: What kind of things might we anticipate would come from that information about performance outcomes? How many of the patients under one particular plan who, for instance, have a particular type of surgical procedure have a successful outcome? If you are about to have surgery, you would be pretty interested in knowing what the prospects were of your having a positive result.

Another provision that is likely to be included is information about what will this plan do to help you maintain your state of good health? Will this plan, for instance, provide for screening tests and periodic examinations? Those kinds of things, we know, have the greatest potential of spotting a problem before it becomes a fatal condition, giving you the opportunity to do something to maintain the quality of your health. That provision is in the Democratic plan, but it is not in the Republican plan. I think that is a critical matter for Americans attempting to use their own best efforts to select a plan that will best protect the health of their family.

So, Mr. President, this is an urgent and critical issue. We are taking up a lot of matters in this last couple of weeks, and I would let the American people make a judgment as to our sense of priorities. Is it more important to be considering the Judicial Vacancies Act during the last 6 or 7 days of this Congress, or to be considering the Bill of Rights for 161 million Americans, in terms of their health care? That is a judgment that the American people should make. I think it is a judgment about which we in the Congress should feel a sense of responsibility to the citizens of this country—to prioritize our efforts on their behalf.

Mr. President, I am certain we will have more to say on this issue.

Mr. KENNEDY. Mr. President, I thank the Senator.

Mr. GRAHAM. Mr. President, I ask unanimous consent that my following remarks be included in the RECORD when the energy and water appropriations conference report is considered by the Senate.

The PRESIDING OFFICER. The Senator is informed that the energy and water appropriations bill is not on the calendar. It is scheduled to be on the calendar. The acting President does not believe the remarks today can be put in tomorrow's RECORD.

Mr. GRAHAM. Mr. President, in light of that comment, I will therefore defer my comments until the appropriate day when this matter will be considered. I would like to alert the Senate that it will be my intention at the appropriate time to provide such a statement and a colloquy among Senators DOMENICI, REID, MACK, and myself on the issue of funding for the Kissimmee River Restoration Project as part of the Everglades Restoration Project as it relates to that item within the energy and water appropriations conference committee.

Mr. President, in light of the comments of the Chair, the uncertainty as to whether this bill will be before us today, I will conclude my comments with that information to the Senate and look forward to participating when this matter is before the Senate.

Mr. HARKIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Iowa.

ENERGY AND WATER CONFERENCE REPORT

Mr. HARKIN. Mr. President, first all, I thank my friend and colleague from Rhode Island for letting me jump in front of him. I will only take a couple minutes.

The chairman of the Budget Committee, Senator DOMENICI, was in the Chamber earlier talking about the fact that I had not permitted the energy and water conference report to proceed under a unanimous consent agreement. I objected to that. And the reason I did so not objection to the energy bill; I have none. Rather I objected because I wanted to once again bring the attention of the Senate to the fact that we have a very unfair situation presented to us in terms of the allocation of money for the defense portion of fiscal year 1999 Appropriations and for the nondefense portion.

I again ask Senators to look at the July 30 CONGRESSIONAL RECORD, page S9404, when I spoke, and there was a short colloquy with Senator SPECTER, myself, Senator LAUTENBERG, and Senator DOMENICI at that time.

Basically, it goes back to a letter that was written on April 2, 1998, by Senator DOMENICI to Senator STEVENS which basically said that by using OMB scoring figures and policy decisions, they had identified $2.2 billion more in outlays for defense by using the OMB policy assumptions rather than CBO policy assumptions.

At the end of the letter Senator DOMENICI writes, ''Pursuant to your amendment, we are also looking at the issue of nondefense outlay scoring and will report back to you shortly.''

That was April 27, and we still don't have a report.

Right now, based on informal preliminary meetings being held with the House, it is clear that a considerable increase over the funding in the Senate bill will be required to meet all of the demands and get this bill signed into law.

Now, earlier today I spoke to Senator DOMENICI about this, and Senator DOMENICI mentioned something to me about $300 million that he had already given. That unfortunately is not my understanding of where we officially stand. We still haven't seen it, and I do not know where it is. If it is $215 million or even $300 million, that still means we are going to have to trim over half a billion dollars from what the preliminary discussions with the House have led us to.

So where are we going to trim? Head Start? Are we going to cut IDEA, the Individuals with Disabilities Education Act? Are we going to cut community health centers? Are we going to cut the Ryan White AIDS Program? Drug

treatment? How about our vitally important medical research at NIH? Are we going to cut all those? A half a billion dollars we are going to have to cut.

Well, I and others have said what is fair is fair, and if you use OMB policy statements for defense scoring, you ought to use them for nondefense also. If that were the case, the Labor, Health, and Human Services Subcommittee would not be getting $215 million; it would, in fact, get $770 million—not $215 million.

So the reason I have said that we need this time—and I will not take a lot of time now because I know that Senator REED has prepared a speech here, and I don't want to interrupt his time. He was kind enough to give me a couple minutes here just to lay this out. But right now we need fair treatment for these domestic programs, and $215 million doesn't do it. But if we have the same kind of scoring as we got for defense, we should get about $770 million.

So I just wanted to alert Senators as to why I was taking this course of action. We have been waiting since April 22. We talked about it on July 30. Here we are in the final closing days of the Congress and programs vital to the health, to the education, and the security of the people of this country are going underfunded.

I don't know what kind of games are being played. I don't know what all is going on behind the scenes. But we are going to continue to demand fairness until we get it. I am sorry that Senator SPECTER can't be here. Of course, he is home because of the Jewish holy day. I would just again refer to Senator SPECTER's comments on July 30 of this year in which he basically echoed what I was saying, and that is that we need to get this correct scoring. I would not want to put words in Senator SPECTER's mouth without him being here, but I believe he feels the same way I do.

I thank the Senator from Rhode Island for letting me get ahead of him. I yield the floor.

Mr. REED addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. REED. I thank the Chair.

PATIENTS' BILL OF RIGHTS

Mr. REED. Mr. President, I rise today in strong support of the Patients' Bill of Rights and join my colleagues, Senator KENNEDY, Senator GRAHAM, Senator HARKIN, and many others in urging that this very important legislation be brought to this floor immediately, debated thoroughly, and passed.

When I go back to my home State of Rhode Island, I encounter lots of issues. But there is no issue that is more important to my State and to this Nation than having a health care system that works for them, having a health care system that is governed by rules which require that people get what they pay for. There are thousands and thousands of individuals who are paying for managed care coverage, thousands and thousands and thousands of companies that are providing coverage. The shocking thing is that many times people discover they really do not have the coverage they need when they need it. With the Patients' Bill of Rights, we are going to provide a framework of sensible rules which will guarantee access to quality health care coverage for the vast majority of Americans.

The Democratic bill, S. 1890, does that. In stark contrast to the Republican proposal, it will provide broad coverage to the American people. As illustrated by this chart, the only group of people covered by the Republican proposal are just those who are covered through a self-funded employer plan, only 48 million Americans. The Republican bill leaves out 113 million Americans. It leaves out people whose employer provides coverage through an insurance policy or an HMO directly. It leaves out State and local government workers and people buying individual health insurance policies.

I hope that we can at least agree that if we are going to do something with respect to reforming managed care in the United States, we will do something that covers all people who are insured by HMOs throughout the United States.

As my colleague from Massachusetts, Senator KENNEDY, just pointed out, when you leave out State and local government workers, you are leaving out police officers, firefighters—those people who not only do we depend upon, but people who we hope will have access to high-quality care. That is just one example of groups of people who are denied protections under the Republican version but will be provided these protections under the Democratic bill, S. 1890.

Throughout this debate, we have heard a lot about what we must do with respect to health care. Again, as my colleague from Massachusetts, Senator KENNEDY, pointed out, the Democratic bill is supported by the broadest possible coalition of health care organizations. Here is a partial list of those organizations: The American Medical Association, the American Cancer Society, the National Association of Children's Hospitals. Every major health care organization in the United States has recognized the need for protections with respect to managed care and has recognized the value of S. 1890, the Democratic bill, and is strongly supportive of this proposal.

We have people throughout this country demanding that we take appropriate action. We have every major organization committed to the health and welfare of this country and its people—all of them—together asking us to act. And yet here we find inaction; we are not able to bring this bill to the floor for a thorough debate and for a vote. I think that is wrong, and I think we are not doing our job as representatives of the American people. Congress is not responding to one of the critical needs of every family in this country: Providing high quality health care for all families.

My focus throughout the debate has been to ensure particularly that children are treated fairly by managed care health care plans. If a family has a problem with a managed care plan, it is serious. When it is an adult, a mother or father, it is serious. But it is particularly serious, and many times tragic, when it involves a child.

Earlier this year, I introduced legislation that deals specifically with the issue of children in managed care. This legislation was prompted by my own observations and advice I received from the American Academy of Pediatrics, by the National Association of Childrens Hospitals, by many pediatric specialty organizations—all of these groups together pointed out to me that we just can't consider children as small adults. If a child has a particular condition, the expertise needed to deal with that pediatric condition is not something gained generally in medical education. Pediatric specialists are vital to our health care system because they can treat the unique needs of children. Children often need access to these specialists, and frequently they are denied that type of care.

Earlier this year in the Labor Committee, we heard the story of Melissa Froelich. I have a picture of Melissa right here. She is 2 years old and has become the poster child for the American Red Cross. As this poster describes, ''Melissa spent her first 18 months in a hospital clinging to life. Thanks to medical miracles and blood donors like you, she is finally home and doing well.'' I would imagine her parents would hasten to add something along the lines of, ''No thanks to the managed care plan'' because her medical ordeal was matched by a bureaucratic ordeal waged by her parents, particularly her mother, on her behalf.

Melissa was born with serious congenital heart defects. In the first 2 years of her life, she spent a great deal of time in and out of hospitals. Her mother, Staci Froelich, had to fight a battle every day, a relentless battle to get Melissa the kind of care she needed and deserved and that they had paid for.

Staci Froelich is a registered nurse, a licensed nursing home administrator. She is someone very sophisticated in the way the system operates. I hesitate to speculate what would have happened if Melissa's mother hadn't had that kind of expertise—if she were, like so many Americans, not prepared to deal with all the bureaucratic red tape, all the hurdles that HMOs can throw up when they deny coverage and deny care.

She persevered, and she did it day in and day out. In her words, this is what her struggle was like:

My husband and I are responsible middle-class American citizens. We were both employed and had two healthy children. We took out the best health insurance policies our places of employment had to offer. We believed if there were ever a medical emergency, we would be covered. After all, we had done everything in our power to have the necessary coverage should that occur. We were in for a rude awakening.

With the birth of Melissa, with her serious heart problems, they found out that literally that their HMO didn't provide much coverage at all when they needed it most. This HMO forced this family to jump through repeated hurdles. For example, after Melissa's first open heart surgery, the HMO wanted to transfer her to a nursing center for senior citizens. Can you imagine that, an infant being sent to a senior citizens nursing home facility where the only specialists are geriatricians, not pediatricians? That is what the HMO wanted to do to save some money. Of course, her mother had to fight tooth and nail to prevent that from happening.

This example illustrates something else that underlies my concerns: The presumption by many HMOs that a child is no different from an adult, and if there is an open bed in a senior nursing center, send the child there. That is not the type of care that those parents expected to get for their child when they paid their premiums and when they sought out the best coverage they could.

During the course of Melissa's illness, oftentimes the HMO would try to switch her specialist or try to suggest she didn't need pediatric specialists. All of this added up to an ordeal on top of the basic ordeal of a very sick child. In this country, we should not tolerate that situation.

I am happy to say, as Melissa's picture demonstrates, she is a thriving, beautiful child of 2 years—the result of her family's efforts, the result of many people, but certainly not the result of a health care system that was out there to assist her and to provide for her family.

Her story illustrates all too well what we hear constantly: every day consumers face difficulties to get the services that they need, they face delays, complex rules and regulations which an average lay person can't understand. We can change this situation if we act promptly and timely, and if we act immediately to bring this legislation to the floor.

Managed care has provided great benefits to our country, particularly when it comes to preventive services. The emphasis on prevention is good. But all too often we hear stories like Melissa's story, and other stories, where the system is not working to the benefit of the public, and where people are not getting the health care services they've paid for. It is our responsibility to make sure that this situation does not continue.

We also sometimes look at HMOs and think, ''Well, maybe they've got some problems, but maybe the problems are not really being addressed here.'' There was a study done at the University of California at San Francisco by Elizabeth Jameson at the University of California. She compared the pediatric care provided to children by private and public managed care plans.

Frequently people consider Medicaid and say, ''Well, that's not top-grade health care because that's a public health care program for low-income Americans and, you know, it is not good compared to some of the large employer programs, the blue chip HMOs.'' Her study was very revealing though. It found that low-income children in California s Medicaid program received age-appropriate care that is consistent with recognized clinical guidelines, while those in private health care plans often did not.

In effect, there was a better chance for a child in the California Medicaid system to have access to a pediatric specialist, to have the kind of focused specialized care that we assume would be found in the HMOs. Certainly, both the employer and the employee are paying a lot of money for those HMO premiums. I assume that he or she believes that all that money is buying care at least as good and probably better than what you would find in a public program. But the reality is, that is not the case. This is another indication that we should act to improve the quality of health care that is delivered by HMOs throughout this country. That is, we should pass a Patients' Bill of Rights.

This study in California also found that some managed care plans impose restrictions on referrals to pediatric specialists. Jameson also found that complex pediatric diseases are being treated by providers without pediatric expertise when, in fact, a pediatric specialist would provide more appropriate care. All of this, again, suggests that we have to act promptly to pass this bill to ensure that the American public gets what it is paying for: Good quality care through managed care plans.

Again, I am particularly pleased that the Democratic bill incorporates many of the provisions from my legislation that would deal particularly with the problems of children and managed care. The Democratic bill includes, for example, a guarantee of access to necessary pediatric services, and appeal rights that address the special needs of children, such as an expedited review if the child's life or development is in jeopardy.

Again, here is another example where adults and children differ. Children have special needs, not just with their present health state like adults, but also with their development. And if our insurance plans are not keenly attuned to the developmental aspects of children, they are going to provide inferior care. So this legislation would require HMOs, in the context of appeals rights, to consider not just the present health status of the child as they do with adults, but also with the child s development.

Also, the Democratic bill would require pediatric expertise in staff performing utilization review. Under our proposal, when the HMO is examining the use of services for a child, the HMO would have to ensure that reviewers had pediatric expertise. Too often today HMO plans' utilization review is solely in the context of adults. This practice overlooks our children, and overlooks the fact that children often have very different health care needs than adults.

The bill would also require that HMOs give information to parents about quality and satisfaction related to the treatment of children. This information should be easily obtainable so that when a parent signs up for a health care plan, they will know upfront what to expect for their children. They will not have to wait until that child has a serious, serious illness.

All of these provisions are incorporated in the legislation that we should be debating here in the Senate today. All of this is incorporated in the legislation that has been endorsed by over 18 organizations whose sole commitment is to the health care quality of the American people.

The Patients Bill of Rights legislation, too, will cover the vast majority of Americans. It will cover all who are in private health care plans, unlike the Republican alternative. In the days ahead, we have to make critical choices. I can think of no more important issue to debate, to discuss, and to act upon than improving the quality of health care in the United States, passing the Patients' Bill of Rights, giving each American family an opportunity to know what they are getting, and ensure that they are getting the health care they are paying for.

I hope we can do that. I hope that this debate will begin. I hope that we can go back to our states in a very few weeks and report to the American people that we have listened to their concerns, we have listened to what they feel is important and that we have acted in their best interests by passing the Patients' Bill of Rights.

I yield the floor.

Mr. DORGAN addressed the Chair.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, I know that we are in a 30-hour postcloture debate on the motion to bring to the floor the Internet tax bill. I believe I am correct in that.

The PRESIDING OFFICER. The Senator is correct.

THE FARM CRISIS

Mr. DORGAN. Let me say that piece of legislation and a lot of other legislation that has been considered by the Congress, by this 105th Congress, in my judgement pales in importance to the responsibility we have to deal with the current farm crisis that exists in this country.

Last evening, I drove home from the Capitol, and I thought about the day. When I left, I left the conference committee between the House and the Senate on agriculture appropriations. It was a conference committee in a small room. There were a lot of people. It was cramped and hot. The result of that conference committee was a party-line vote to reject a proposal by President Clinton to provide nearly $8 billion of emergency aid to deal with the farm crisis.

Instead, the conference committee accepted the majority party's proposal of roughly $3.9 billion which almost everyone understands comes far short of what is necessary. I also thought about the news yesterday that was described in a story in the Washington Post this morning. I was thinking about it on the way home because I was thinking about the juxtaposition. It was a story about a hedge fund. This particular hedge fund apparently had liabilities upwards of $100 billion and ran into serious problems. And then the rescuers were brought together under the Federal Reserve Board's so-called official sponsorship.

The banks were brought together, and they put together a rescue package for this group that is involved in hedging. By the way, the Fed spokesman said they are helping sponsor this rescue package not with Federal funds but from all of the lenders. The Fed felt it had to get these lenders together for a rescue package because it had a ''concern about the good working of the marketplace and the large risk exposure and potential for a disruption of payments.''

One wonders about such an organization that is involved in hedging. By definition this is a rather speculative occupation. In fact, one of the principals had been one of the top officials at the Federal Reserve Board. He went over to this hedging operation. It grows and expands, and then has liabilities up to $100 billion. I have no idea what the assets were. Then it gets in trouble. But then instead of having the marketplace assess its future, the Federal Reserve Board apparently brings together the lenders and says, ''Well, gosh, you're too big to fail.''

If you apparently work in these environs, have these contacts, and are involved in this kind of risk, you are too big to fail. But what if you are one of those family farms out there that has seen what has happened to their wheat price. The price of wheat has been going down, down, down, down. These family farmers are told, ''You're too small to matter.'' What is the difference between those who are too big to fail and those who are too small to matter?

I guess it is economic clout in the form of sheer raw economic power.

I would hope that we would have the opportunity to decide in this Congress that family farmers ought not be failing in this country either. The fact is this country will lose something very important to its future if we decide that family farmers do not matter. Right now they are suffering through a crisis that is very significant and one that we must address.

The question is whether we will address it in a kind of a puny, cheap way that does not solve it? Will Congress do just enough to pull us through the election for a month or two? Or is Congress going to address it and say, ''Farmers, we're on your side. You matter to this country. We're going to do something significant to help you get in the field next spring, help you harvest next fall, and give you some hope that maybe you can make a decent living''?

Mr. President, I notice that a couple of my colleagues perhaps want to propound a unanimous consent request. And I will be happy to yield the floor briefly provided that I retain my right to the floor and provided it is not going to take 15 or 20 minutes. If they intend to propound a unanimous consent request that is very brief, I am happy to interrupt my presentation and allow them to do that so they don't have to wait.

Mr. HARKIN. I thank my friend from North Dakota. I wanted to join him in talking about the agriculture situation, but I appreciate if he would yield the floor, and he can get the floor back when Senator DOMENICI and I finish.

Mr. DORGAN. I ask unanimous consent I regain the floor following the unanimous consent request.

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

UNANIMOUS CONSENT AGREEMENT—CONFERENCE REPORT ON H.R. 4060

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Senate now proceed to consideration of the conference report to accompany H.R. 4060 and that there be 45 minutes for debate, with 30 minutes under the control of Senator GRAHAM of Florida, 5 minutes under the control of Senator JEFFORDS, and the remaining 10 minutes equally divided between Senator REID, the minority manager, and myself; further, I ask that upon the conclusion or yielding back of the time, the conference report be agreed to and the motion to reconsider be laid upon the table.

Mr. HARKIN. Reserving the right to object, and I won't object, but I did want to engage in a brief colloquy here with the distinguished chairman of the Budget Committee regarding statements I made earlier on the floor that Senator DOMENICI also made earlier on the floor.

I did not want to hold up the energy and water bill at all, but I did want to make a strong case that the Labor, Health and Human Services Appropriations Subcommittee is having some very, very severe problems in meeting the basic health and education needs of the country and the requirements that other Senators and House Members have imposed on us. We simply don't have the outlays necessary to do the job. I asked the help of the Budget Committee chairman in this regard.

At the outset, again, I want to make clear for the record that Senator DOMENICI has been a strong supporter of our subcommittee. I know he has worked very hard and very diligently to make sure we do have the kind of resources that we need. However, it is clear that we have come up short.

I just wanted to ask the Senator from New Mexico if he could, perhaps, enlighten me further as to where we might be on this issue.

Mr. DOMENICI. Senator HARKIN, let me thank you very, very much for the consideration you are giving us today in letting this very important bill pass.

I think the Senator knows that while a lot of what I do as chairman of the Budget Committee is fun work, a lot of it isn't very much fun. That part that isn't very much fun is the issue of who is right on the scoring—OMB or CBO. I am charged with the responsibility, if there is a difference between them, of going through it, line by line, program by program, with my staff, and if there are, indeed, errors that run in favor of OMB, which means you would have more money to spend, if they are based on policy differences that were not taken into consideration when CBO did theirs, we make the adjustment.

I can report, as staff on your committee knows, we have found $215 million in outlays where we found policy errors, and they came mostly from the IDEA program where they made changes and they were taken into consideration regarding the new policy costs, so we are at $215 now.

I assure the Senator that I am totally aware of the difficulties in the bill. I will continue to review the scorekeeping baseline assumptions made for your bill by both OMB and CBO and see if there are any other adjustments that need to be done to accommodate the concerns the Senator has expressed on the floor.

Mr. HARKIN. I thank the distinguished chairman of the Budget Committee for his diligence in looking at this.

Believe me, I know it is a tough job. I can only imagine being chairman of the Budget Committee in these times, working under the constraints under which we have to work. I have a lot of sympathy for the Senator's position on this.

As I said in my opening remarks, I know from my past experience in dealing with the Senator from New Mexico of his strong support for those programs that we have, whether it is IDEA, whether it is drug treatment, or NIH research or community health centers. I could go down the list. I know the Senator from New Mexico has been a strong supporter of these. I am very grateful for his work in diligently finding this extra money in terms of finding the policy differences. And I appreciate his commitment to

continue to review these differences and to make other appropriate adjustments. Hopefully, as we move along, there will be others. I pledge to him that I will work closely with him as we move towards completion of the important work on this bill.

Again, I thank the distinguished Senator for his consideration and his efforts in helping us to get to this point. I appreciate it very much.

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

Mr. DOMENICI. Mr. President, the regular order says we finish this discussion, but we are waiting for one of the Senators to see if they really want to speak.

Mr. DORGAN. The regular order is that I am recognized following the unanimous consent request, and I was recognized for an hour. I will not take all of that hour. The regular order is that the Chair would recognize me.

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

Mr. DORGAN. Mr. President, thank you very much. I was happy to allow the unanimous consent request to be granted.

THE FARM CRISIS

Mr. DORGAN. Mr. President, I know the Senator from Iowa wishes to join in this discussion, and I am happy to have his input.

I was driving home last evening after the Agriculture appropriations conference committee, and I was once again struck by how some in politics here just sort of shrug off some things that are so important. I am referring especially to the future of family farming. It is true that almost every day you see something around here in which someone treats the important things too lightly and then someone treats the light things in a far too serious way. It is hard to see that things are treated appropriately.

There is no more urgent need in this country, in my judgment, than to address the farm crisis at this time. If we do not act on a timely basis, we will not have family farmers left in the Farm Belt given their current circumstances.

Again, this chart shows the price of wheat. This is the income our farmers receive for their production. In 1 year in North Dakota, our farmers lost 98 percent of all their net income. It was just washed away. Their net income was virtually all gone. It was a 98 percent drop in their paycheck. Think of it this way: What if this were your salary or your wage? Look at what has happened, month after month after month after month. This is the gross returns that our farmers receive. The price of wheat in our part of the country is down, down, down, way down. In fact, the price of wheat has fallen 57 percent since the Freedom to Farm law was passed.

These families are out there living on the land, turning the yard light on, illuminating the dreams and hopes of a family that is trying to make a go of it. They are discovering they are going broke in record numbers and nobody seems to care much because we have people that chant on street corners in Washington, DC, ''the marketplace, the marketplace, the free market.''

There is no free market. What a bunch of unmitigated baloney. This is no free market. There has never been a free market in agriculture, and there will not be one.

This is picture of a farmer that is being sold out. This is an auction sale. All his equipment is being sold. These farmers go broke and they have an auction sale. They are told, gee, you didn't make it in the free market.

Let's examine this free market. This farmer plants some wheat in the spring and harvests it in the fall, if the farmer has some good luck. If it doesn't rain too much, and if it rains enough; if the insects don't come and if the crop disease doesn't come; if it doesn't hail; if all those things don't occur or do occur, this farmer may or may not get a crop. And then this farmer puts that crop, after a hard day's harvest, into a truck and puts it on a county road and goes to market. He pulls up to an elevator and the elevator manager says, ''You can dump that grain in my country elevator.'' Guess what it costs a farmer to produce that crop? It costs five dollars a bushel to produce that bushel of wheat, and the elevator man says he is prepared to give the farmer $2.50. In other words, he is prepared to give only half of what it costs the farmer to raise it.

The elevator man says, ''What I want to do is to put that grain on the railroad car and the railroad company will charge you twice what it is worth to haul it, and they will haul to the miller who will make a record profit grinding it, and they will send it perhaps to a grocery manufacturer and they will puff it and pop it and crisp it and flake it and they will put it in a bright colored box.'' Then they are going to ship it to the grocery store shelf and somebody out there is going to come and buy it in Pittsburgh, or Fargo, or Los Angeles. These consumers are going to pay $4 a box for a bright-colored box of wheat that is puffed up and called puffed wheat now. The person who put the puff in it is making record profits, the person who hauled it on the railroad car is making record profits, and the miller is making record profits. Everybody is making record profits, except the farmers who got their hands dirty, gassed up the tractor, plowed the ground, seeded and fertilized the ground, harvested the crop, and hauled it to market. They are going broke in record numbers. Yet, nobody seems to care a bit.

Last night, in that conference committee, they were stone deaf to a proposal by this President who said we need $8 billion in emergency aid, and we need it now if we are going to solve this farm crisis. They rejected that on a straight party-line vote. It is not that there is not enough money. They think they have enough to give an $80 billion tax cut. The sky is the limit there. But how about another $4 billion for family farmers? That is what we were talking about last night. We were asking just another $4 billion more to save family farmers. They have $80 billion for a tax cut, but they don't have another $4 billion to invest in the lives of these people, who I think are the salt of the Earth. Family farmers are the ultimate risk-takers.

Let me mention one more point about this free market. I talked about the monopoly railroads that haul the grain and the monopoly grain trade firms. Wherever you look, in every direction our farmers face a monopoly. It doesn't matter which way they turn. Let's say we have a cow out here. They are raising wheat, corn, soybeans, and they are raising some cows. They are going to send the cow to market. But are they going to make money off that cow? I don't think so, because that cow is going to be sold into a monopoly. Four firms control over 80 percent of all the slaughter of beef cattle in this country. That farmer markets up to a monopoly. That farmer moves the grain to a monopoly railroad and markets into a monopoly grain trade.

Then we have these half-baked economists who talk about the free market. Harry Truman used to say, ''Give me a one-armed economist. I'm sick and tired hearing 'on this hand' and 'on the other hand.'''' I am not sure how many economists we have around here talking about the free market. Maybe we ought to put a robot out on the street corner and let him chant, ''There is no free market here.''

In every direction, the farmer is getting fleeced. This Congress, for a change, needs to say we are going to be on the side of the ultimate producers in this country, who are the economic allstars in this country. If we don't, we won't have any family farmers left.

I had a young boy named Wyatt write to me. He is a sophomore at a school in Stanley, ND. The other day in a letter to me, he said, ''I am a 15-year-old farm boy. My dad can feed 180 people, but he can't feed his own family.'' That says something about family farming. It says how productive they are, how important they are, how incredible they are as producers, and what they have to face in a market controlled by economic giants that pillage and prey on these family farmers every day and in every way. And, they do it in such a way that family farmers can't make a living.

This Government and this Congress, has to decide whether we are going to stand up for these people or not. We are going to force another vote on the floor of the Senate. We have had two votes to get a decent support price, and we lost by a handful each time. But for those who don't want to vote on this, I say: Brace yourself, because you are going to have to vote again. We are not

going to quit. Family farmers would not expect us to quit. They don't quit and we are not going to quit them. We are going to vote on this again until we get a result that says this Congress stands with family farmers and that this Congress cares about the future of farm families.

I would be happy to yield to the Senator from Iowa, if he has a question.

Mr. HARKIN. Mr. President, I thank the Senator for yielding for a question. First of all, I thank the Senator for a very eloquent and forceful statement on what is happening out there and, really, the shame of this Congress in not addressing it.

As I look at your charts here and see the free-fall in the price of wheat over the last couple of years—since the 1996 so-called Freedom to Farm bill was passed—I look at that and I wonder what happened to the price of bread. Has that come down? What about all the wheat products, like pasta and all the things into which wheat goes? I ask the Senator, what happened? Are the consumers making out on this and getting a cut-rate deal at the grocery store?

Mr. DORGAN. No, no. This is about corporate profits, not about advantages to consumers at the disadvantage of farmers. What is taken out of the hide of family farmers in collapsed prices doesn't go into the pockets of consumers through cheaper bread prices. Take a look at the price of a loaf of bread when the price of wheat peaked about 2½ years ago. Then go to your grocery store and look at the price of a loaf of bread today. Ask yourself, gee, if farmers suffered a nearly 60-percent drop in the price for wheat, what happened to the price of a loaf of bread? The answer is that somebody in between is taking more profit. But the consumer hasn't gotten the benefit. This country always had a cheap food policy. Will it have a policy that protects the basic income requirements of family farmers?

Mr. HARKIN. One of my neighbors keeps asking me. He said, ''I hear about all these farm problems.'' He lives in a city. He said, ''I can't understand, if the farmers aren't making money, how come I'm not seeing lower prices in the store?'' They don't understand that. I think the Senator from North Dakota pointed out that consumers aren't seeing it in the store. The fact is that bread has gone up in the last couple years, not down. The large grain companies, the shippers, the monopolies are reaping a windfall. They are buying these products from the farmer, not at wholesale, but at fire sale prices.

In listening to the Senator, I could not help but remember what John Kennedy said in Sioux City, IA, when he was running for President in 1960. He made the statement: ''The farmer is the only person who buys retail, sells wholesale, and pays the freight both ways.'' Well, now today farmers aren't even selling wholesale. They are selling at fire sale prices—not only wheat, but corn and soybeans. And pork prices, this year, are probably going to average their lowest since 1974. They are working at extremely low cattle prices. So all across the agricultural sector, we have a terrible crisis.

Now, as the Senator pointed out again last night in our conference committee, when we met to try to do something, to answer this crisis and need in rural America, we were told that, no, we would not do it, we can only do a little bit. I liken last night to somebody dying of thirst and you give them a thimbleful of water. That is what those who we were in conference with last night basically did to the farmers. They slapped them in the face and gave them a thimbleful of water when they are dying of thirst. It is a shame.

It came down to a straight party-line vote. It is very unfortunate that it had to be on a party-line basis when this issue begs for nonpartisanship and bipartisanship. Yet, it has evolved into a partisan situation. That is a real shame. I think it is a shame that our colleagues voted against any meaningful help. As the Senator pointed out, we had about a $3 billion difference. In other words, for $3 billion, we could have really met the needs of farmers all over this country—not only the farmers in Iowa and North Dakota, but the farmers in Louisiana, Texas, Mississippi, and all over the country. Farmers who are either suffering from the fall in prices, or because they have had a drought, or floods, or disease. All of these things have piled up this year to really put agriculture in dire straits.

No, they don't have the money for that, as the Senator pointed out, but they do have money for an $80 billion tax cut.

I am sure the Senator would agree with me. I met with farmers in Iowa not too long ago and I talked about this tax cut. I said, ''Who do you think is going to get it? I will give you a hint: It isn't you.'' They are not going to get it; it is going to go to upper-income people. We know that. But for $3 billion we could have really helped pull these farmers out. And we still can if we have the will.

I ask the Senator from North Dakota in my closing question—and I thank him again for his strong support for the American farmer, the family farmer, and for always being front and center here on the floor and in our committee meetings, for fighting for those family farmers. Lord knows, we don't have too many people around here fighting for them anymore. But the strength and the passion and courage of the Senator from North Dakota has gone a long way toward at least helping us get this far, getting something through to help our farmers—even though it is not going to be enough to save them, unless we can have some more action on the floor. The Senator has indicated that when that bill comes back, we are going to have more action on this floor. We are not going to go away quietly. I join with the Senator from North Dakota in saying that. We are not going to go away quietly. We are going to be here until the last bell rings of this Congress to do everything we can to help those family farmers.

I thank the Senator from North Dakota again for his eloquent remarks and for his steadfastness in standing up for those who really are the backbone of this country, those who have worked hard, produced our food and fiber and the products they have raised in our export channels have been the only thing that has kept our balance of payments and our balance of trade with other countries at least somewhat positive. It has only been agriculture. It hasn't been anything else, just agriculture. And yet to let them go down the drain because of monopoly practices I think is just a shame, and I think it is something we have to address.

I thank the Senator from North Dakota for, again, leading the fight.

Mr. DORGAN. Mr. President, I thank the Senator from Iowa. He and I and others from the farm belt feel very strongly about this issue because it is not just some cerebral discussion about economic theory. It is about thousands and thousands of people who have had dreams and hopes of continuing to operate their family farm and raising their family out in the country and tilling the soil and producing food. It is about whether they are going to be able to continue to do that. This isn't a bluff nor is this crying wolf.

What has happened in my State is the complete collapse of grain prices coupled with the worst crop disease in a century. It has just put thousands of family farmers in a position where they are not going to be able to continue to farm.

I would like to read just a couple of letters. This one is from a young man named Eric. He graduated from high school 10 years ago. He is a farmer. His family and his wife's family were farmers. Eric wrote to me and he said, ''When I started out, I knew it wasn't going to be easy. The only support either family, mine or my wife's, was able to afford was advice and hard work.'' They could not afford more support than that.

He goes on to say, ''In our area we have been hit with heavy rains the past 5 years which has greatly reduced the yield of our crops, and caused crop disease. One of those years we had to burn the crop off of the fields so it would be able to dry enough to farm the following year.'' That, he said, was like ''burning dreams.''

He is raising cattle, crops, hogs. He writes, ''As of this fall we decided that we would have to reduce the number of acres we farm. I am watching my hopes and dreams fade away as I reduce these acres. Yet, I work 16 plus hours a day to try to keep the farm going again for another year.''

He adds, ''My wife works about 55 hours a week just to try to pay household bills. She works off the farm and then comes home and does the farm work as well. At one time I had hopes of being able to pass this farm down to the next generation. Now the only hope I have is that we can just continue.''

This is a letter I received the other day from Barbara. Barbara says, ''I have been married for 19 years. I have two sons. It was our dream, my dream and my husband's that one day this farm of ours would belong to our boys.''

Then she describes the way they have tried to make ends meet and can't. ''My husband not only farms, he works out in the winter and finds as many part-time jobs in the summer as he can to help supplement our income. We raise hogs to help supplement the farming also. I work in the county school system during the school year. I am a cook in the elementary school. I also drive a bus some evenings after working in the cafeteria. I also work as part-time help in our local hospital and dental office. I'm an emergency medical technician and, my husband is a firefighter with the local fire district.''

She writes, ''Our oldest son is 17 and works part-time during the school year and this past summer went on part of a run with a custom harvesting crew to make some money. Our youngest son has a job mowing cemeteries for our local church and helps on the farm. He is 15.''

''As you can see we have full schedules which don't allow us much in the form of extra cash or time for vacation or leisure. The part I can't understand,'' Barbara writes, ''is why after working 17 or 18 hours a day we can't make enough to live on. My husband went to the elevator yesterday to haul in some wheat to pay our expenses for the coming month. He was told he would get $1.82 a bushel for the wheat.''

By the way, she doesn't write this, but USDA says it costs them at least $4.75 a bushel to raise that. Her husband goes to the elevator and is told that he will be paid $1.82 a bushel. ''You tell me,'' she writes, ''how we are supposed to pay our bills with these prices?

She said, ''A couple of weeks ago, our youngest son came to me and he asked if he could talk to me. I said yes. And he asked if we would be mad at him if he chose not to farm after he finished school. He didn't want his dad or grandfather to be upset with him. He has seen how much work it is and how little the family is getting out of it, but still feels the love of the land and pride in continuing another generation of farmers.''

This young boy asks if they would be angry if he doesn't try it. She says, ''I have come to fear that my generation is the last, if we survive. It's hard to tell your children that you really wish they would not come back to farming because there's no future there for them.''

Mr. President, these are two letters from Eric and Barbara, a farmer and farm wife, both struggling out there, trying to make a living with collapsed prices and crop disease and a farm crisis that gives these folks depression-era prices for their crops.

What makes me so angry about all this is in thinking about it in driving home last night after the conference committee. What makes me so angry is there is this kind of blithe attitude about it here. It is an attitude that dismisses this crisis and says: Well, this is just another day; this is just another problem; this is just another group of Americans who want something.

These people don't want anything special. But they don't want to be turned loose in a circumstance where they are told you compete in a free market and the market isn't free. Everything that they do in this economic system means that someone is preying upon them, and that someone is taking money out of their pockets unfairly. Then the Congress somehow says we don't have the time to help; we don't have the resources to help; you are too small to matter; all we care about are those who are too big to fail.

And as I said when I started, I drove home last night thinking about the story I read about a $100 billion liability outfit that gets in trouble and the Federal Reserve Board apparently convenes a meeting of bankers. They get a bunch of aspirin together and fluff up the pillows and say, ''Gee, can't we make you comfortable. We sure wouldn't want you to fail. You are too big to fail.'' They got 20-some banks in that circumstance. I guess we got other hedge funds out there and a whole series of speculators as well.

But what about these folks? What about the folks who Congress says are too small to matter. These are the folks who day after day are holding auction sales, standing around watching their farm implements and watching their personal possessions being auctioned off because they can't make a living. It is not because they are not good at what they do. They are the best in the world. There is nobody in the world who measures up. Nobody. Not even close. Yet this economic system is stacked against them, stacked against them in a way that is almost criminal.

You know what we ought to do?

These folks face a railroad that hauls their grain and charges them double the price they ought to be charged, and they market that grain up through a grain trade in which there are just a few companies. That is not free enterprise. And then they send their cattle up where you have four companies controlling over 80 percent of the slaughter.

You know what we ought to do? We ought to put an independent counsel on all those issues. How about an independent counsel investigating the marketing of cattle, and looking into the four companies that control the slaughter of over 80 percent of the cattle in this country.

How about an independent counsel tracking down railroad prices on behalf of family farmers to see if they are fair? How about an independent counsel looking at the grain trade to see whether this is truly a fair market?

I could go on at great length about that. What about an investigation on behalf of these folks that says to them we are intending that you have a fair deal, and that you have a fair opportunity to make a living. And, if you don't, we are going to help. That is part of what yesterday was about. It is part of what last night's conference committee was about when, unfortunately, on a party-line vote the folks in that committee said, no, we can't afford it; we don't have any money.

The President says, I need $8 billion in emergency aid to deal with the farm crisis. The same people who said we have $80 billion to provide a new tax cut said we don't have $8 billion above the current budget level to meet the President's request to deal with the farm crisis.

I am telling you, that is a misplaced sense of priorities. We have had two votes in the Senate on this issue of providing a decent support price. When I say ''decent,'' this is very modest. It is much more modest than I think is necessary. But even at that, we lost each of those votes by a handful.

I say to those who were in the conference committee last night, who voted against standing up for family farmers, you are going to vote again. One way or the other, you are going to vote again in the U.S. Senate, and the vote is going to be on this question: Are you willing to stand up and support family farming in times of crisis? When prices collapse and you have this price valley, and those family farms simply fall through the cracks, are you willing to stand and say, ''Let us build a bridge across that valley,'' or do you say that family farmers don't matter?

Are you willing to say that it doesn't matter that corporate agrifactories will farm America from California to Maine? Will big corporate agrifactories get up in the morning, put on their Big Ben coveralls and milk 3,500 cows at one lick, because that is corporate agrifactories? Or will they plow their tractors as far as they can go on a tank of gas and then turn around and plow back? Do you think it will benefit this country to turn out all the farm yard lights in the country and say to these families, ''You don't matter; we will replace you with a big agrifactory''? This country will have lost something very important and it will have done so because this Congress said that they don't matter. If they do that, this Congress will have to answer to a lot of the American people about their sense of priorities.

This has become a legislative landfill in recent months. I can go down on two hands the list of important things we should have done that have been taken

out in the country and covered over with dirt, because we have too many people in here saying, ''No, you can't do the important issues; we have to track around chasing the tail of unimportant issues.''

This is one issue that a number of us from farm country are not going to let be sent out to some legislative landfill and be covered up. One way or another, we are going to push and fight and scrap on behalf of those families who still have their hopes and dreams to make a living as family farmers. We are going to push and fight to the end to get a decent, kinder program out of this country that will say to family farmers in this country, ''You matter; you matter to this country and its future.''

Mr. President, I yield the floor.

Mr. CONRAD addressed the Chair.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, very briefly, I thank my colleague from North Dakota, Senator DORGAN, for once again standing up and speaking out on behalf of the farm families of our State and farm families all across the country, because these are desperate times.

In North Dakota, from 1996 to 1997, farm income declined 98 percent. That is according to the Government's own figures. That is a disaster by any definition.

Last night, I was absolutely shocked to learn our Republican colleagues killed each and every attempt to strengthen the financial aid package for farmers. It makes me wonder what part of disaster they don't understand.

We have the lowest prices for farm commodities in 50 years. That is right, the lowest prices in 50 years. Combined with that, we have a whole series of natural disasters all across the country, including our State, where a terrible fungus called scab is loose in the fields that dramatically reduces production and that which is produced is discounted when the farmer takes it to the elevator to sell it. The result is a tremendous cash flow crunch on our farmers, forcing thousands of them off the land. We have record farm auctions. I have bankers stopping me in every town I go to and saying, ''Senator, there is a disaster occurring. There is something radically wrong. What is being done?''

Last night, our Republican colleagues said, ''Well, what we propose to do is provide a dime and three pennies for every bushel of wheat and other grains.'' A dime and three pennies. Frankly, that is worse than a Band-Aid. A Band-Aid at least covers a wound. If that is going to be the answer, then we might just as well say that the farm policy coming from our friends is a policy of liquidation; a policy that says to family farmers, ''You're done; you might as well sell out, because this country does not value what you do.''

Mr. President, this can't be the way it ends. We have a disastrous farm policy. I have said our farmers are being hit by a triple whammy of bad prices, bad weather and bad policy. We can't control the weather, we can't control the prices, but we can do something about farm policy, and we have an obligation to do so.

When our colleagues are saying we ought to cut taxes by $80 billion and then turn around and say, ''But we can't add $3 billion to this package to provide financial support for family farmers,'' they have described their priorities very clearly. Unfortunately, the conclusion is, family farmers are left out. They are being told, ''Forget it, you don't matter.'' That is just unacceptable. There is going to be a fight. We are not going to go quietly in the night as thousands of farm families are shoved off the land. That cannot be an acceptable conclusion to this year's legislative business.

Mr. DORGAN. Will the Senator yield on that point?

Mr. CONRAD. I will be happy to yield.

Mr. DORGAN. There are some who don't want to take the time to deal with important issues. This is, I think, one of the most important issues. We just dealt with the Vacancies Act on judicial nominations. How does the Senator view the farm crisis versus the judicial Vacancies Act we spent some time debating?

Mr. CONRAD. I think back to the Interior appropriations bill. I don't know how many days that was on the floor here. It was day after day after day. In fact, when I look back on the last several months, it is hard for me to recall our dealing with anything of great significance. In fact, there have been long periods where nothing was dealt with on the floor, and then we are told, ''Well, the future of family farmers that hangs in the balance, there is just not enough time to deal with that, not enough resources to deal with it.''

Interestingly enough, our competitors don't have that view. The Europeans, who are our major competitors, are spending $50 billion a year to support their producers. We spend $5 billion, and we wonder why we are losing the fight. We would never do this in a military confrontation, but in a trade confrontation we seem to think it is fine to say to our farmers, ''Well, you go out there and compete against the French farmer and the German farmer, and while your at it, go take on the French Government and the German Government as well.'' That is not a fair fight.

I say to my colleague, it seems to me as though we have the time to make a difference in the lives of literally thousands of farm families all across America who are facing a financial disaster. This isn't some kind of downturn, this is a cliff, and thousands of farmers are being pushed right off it.

The question is, What are we going to do? Are we going to do nothing or next to nothing, or are we going to fight back? Are we going to say to the Europeans, ''No, we're not going to accept a circumstance in which you simply buy these markets, you go out there and because you have so many more resources,'' because somehow in Europe they have decided they want people out across the land, that that is good social policy.

Mr. DORGAN. If the Senator will yield for one additional point.

Mr. CONRAD. I will be happy to yield.

Mr. DORGAN. We have been talking about financial modernization. It seems to me the farm crisis is more important than that. That is ahead of us. The Internet tax freedom bill, it seems to me the farm crisis is more important than that. We apparently are going to take that up.

I mentioned when I began this discussion the juxtaposition of a hedge fund nearly going broke on Wall Street and the Federal Reserve Board getting so concerned that they convened the bankers and said, ''Gee, can't we help those people; prop up their pillow, help them get back to bed, give them a nap and get them some strength again?''

And it is interesting to me that, in fact, the Fed even signaled when that was going on, they were going to reduce interest rates. So today, lo and behold, they lowered interest rates. It is the ''too big to fail'' thing.

It reminded me of what Will Rogers once said. He said, ''You know, if one day all the lawyers on Wall Street failed to show up for work, wouldn't anybody miss lunch. But if all the cows in America failed to show up to the barn to get milked, then we would have a problem.'' What Will Rogers was trying to say in a humorous way is ''What really matters in this country is what we produce.'' And there is no more all-star producer in America than the family farmer.

Yet this country has an economic system that says to them, ''There's no connection between effort and reward. You make the effort. You go broke.'' And that is what is wrong with this system. This farm bill of ours does not work. Everybody ought to now be willing to confess that and decide that this farm bill does not work and we want to save family farmers. Let us join together in a bipartisan way to make something happen that really will work to save family farmers.

Mr. CONRAD. My colleague is precisely right. It will be a tragedy for this country if we let this circumstance unfold. The hard reality is if we fail to act and act decisively, literally thousands of family farmers are going to be pushed out of business. And they are not coming back.

I just went to a meeting in my State—one of the major farm organizations—and I stood at the back of the room. It was so striking because so many of the heads sitting in the chairs in front of me were white haired. The farmers of this country are aging and aging dramatically. There were hardly any young people in the room.

It is easy to understand why, because, as Senator DORGAN read from the letters of young people, they were saying to their parents, ''Gee, will you hold it against me if I don't go into farming?'' Well, it is pretty hard to justify going into farming. It is pretty hard to justify staying on the family farm because we, as a country, have said, as a matter of policy, ''We're not going to be there for you.'' Our competitors are going to spend $50 billion a year supporting their producers, and we are going to spend one-tenth as much. So we say, ''You go into the fight, but you go unarmed.''

Mr. President, we can do better than that. America is better than that. And the loss to this country will be incalculable if we push an entire generation of farmers off the land. I know that at some point we will wake up and we will say, ''Gee, we have a program to get people back out there.'' And what will it cost us then, as we realize it makes no sense to push everybody into the cities of America, that instead we ought to have people spread out across the land?

But right now we are headed on a collision course with economic reality. And that reality is: Our farmers are at such a disadvantage that they cannot survive. So that is the question that is before the body tonight. And that is the question that is going to be before the body tomorrow. Are we going to do something to help these family farmers through this valley of extraordinarily low prices and natural disasters or are we just going to let them go? I pray that we respond and help family farm agriculture survive in this country. It is right at the heart of what makes this country strong.

I thank the Chair and yield the floor.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER (Mr. ALLARD). The Senator from New Mexico.

ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 1999—CONFERENCE REPORT

The PRESIDING OFFICER. Under the previous agreement, the Senate will now proceed to the conference report to accompany H.R. 4060.

Mr. DOMENICI. Under the unanimous consent agreement, there are other Senators who have time on this bill. I do not know if they are going to use their time. I am informed I can yield——

The PRESIDING OFFICER. If the Senator will withhold for one moment. The report will be stated.

The assistant legislative clerk read as follows:

The committee on conference on the disagreeing votes on the two Houses on the amendment of the Senate to the bill (H.R. 4060), have agreed to recommend and do recommend to their respective Houses this report, signed by all of the conferees.

The PRESIDING OFFICER. The Senate will proceed to the consideration of the conference report.

(The conference report is printed in the House proceedings of the RECORD of September 25, 1998.)

The PRESIDING OFFICER. The Senator from New Mexico and Senator REID control 10 minutes jointly.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I will try to stay within 5 minutes. I thank the Senate which will be adopting the conference report. It is a good report.

We will put a statement in that identifies some of the very new approaches to better governance. We do not have that completely in the Department yet, but we have some new ideas that we are imposing on the Department that will permit it to be run a little better than in the past.

I want to change to another subject, and that is the Tennessee Valley Authority and the $75 million that was, this year, put in the President's budget for the nonpower aspects of the Tennessee Valley Authority.

Mr. President, I hope that nobody is trying to make political hay out of the fact that the U.S. House of Representatives would not fund the $75 million for the TVA in this year's appropriations bill, and as a consequence we did not fund it. Let me tell you why the House would not fund it, and make sure that the RECORD is replete with the background information that the U.S. House had last year and this year regarding the $75 million.

First of all, there is a gentleman, who I do not know, named Craven Crowell—Chairman Craven Crowell. I think he was appointed to the board by the Clinton-Gore administration in 1993.

In 1997, meeting with Members of Congress and the administration, the Chairman argued that TVA's so-called ''nonpower programs,'' which include flood control and navigation on the Tennessee River, as well as management of some unique resources on the Land Between the Lakes National Recreation Area, indicated that these nonpower programs should be transferred to other Federal agencies, leaving the Tennessee Valley Authority to focus solely on the production of electrical power.

Less than 1 month later, this very proposal to no longer fund that kind of activity because it should be transferred to other Federal agencies found its way into the 1998 budget request. The TVA Chairman had made an interesting proposal just a couple of weeks prior, and already it had been incorporated into the administration's budget. There is no way that that would have happened if people in the administration had not been aware of what Chairman Crowell was planning to propose, and if they had not given him the green light to do that.

I would like to incorporate in the RECORD a news release dated February 6, 1997, ''President's Budget Supports Ending TVA Appropriations.'' I ask unanimous consent that the news release be printed in the RECORD.

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

PRESIDENT'S BUDGET SUPPORTS ENDING TVA APPROPRIATIONS

TVA's request for $106 million in federal funding for 1998 and its proposal to eliminate all taxpayer funding of TVA's appropriated programs by Fiscal Year 1999 received support from the Clinton Administration today in the President's budget submitted to Congress.

''We very much appreciate the administration's support of this funding level for 1998 and the proposal to phase out all federal funding of appropriated programs by Fiscal Year 1999,'' TVA Chairman Craven Crowell said at a news conference in Knoxville.

The President's budget also directs TVA and the Army Corps of Engineers to complete a joint study by September 1, 1997, on the integration of TVA and Corps activities to improve the operation of the Tennessee and Cumberland river systems.

''Future cooperation between TVA and the Corps could be the linchpin that makes it possible to end all federal funding for TVA's appropriated programs,'' Crowell said. ''We believe more cooperation between TVA and the Corps would be a win-win situation for both of us and would greatly reduce expenditures of tax dollars.''

As noted in the President's budget, TVA will work with Congress, state and local governments and other interested parties in a major effort to find alternate ways to fund, organize and manage the taxpayer-funded programs.

Crowel also said that a 17-member task force has been formed to work out the details of the proposal. Kate Jackson, executive vice president of the Resource Group, will chair the task force, which includes representatives from all parts of TVA.

In his 1998 budget, the President recommends the same level of funding TVA received in 1997. The budget recommendation includes $81.5 million for water and land stewardship; $7.9 million for Land Between The Lakes, an increase of nearly $2 million over this year's funding; $6.6 million for a feasibility study on a proposed new navigation lock at Chickamauga Dam; $6 million for the TVA Environmental Research Center in Muscle Shoals; and $4 million for economic development.

Funding requests for the Environmental Research Center and economic development are down $9 million and $11 million, respectively, reflecting TVA's previously announced plan to phase out appropriated funds for those activities.

TVA uses federal funds to manage the Tennessee River system, maintain 11,000 miles of shoreline and 420,000 acres of public land, conduct environmental research and promote economic development.

The federally appropriated funds are separate from TVA's power budget which is financed from power sales. Revenues from power sales totaled almost $5.7 billion in 1996. TVA provides power to 160 distributors who serve nearly 8 million customers in seven southeastern state.

The 1998 fiscal year begins Oct. 1, 1997, and ends Sept. 30, 1998.

Mr. DOMENICI. This is a TVA release that suggests that Chairman Crowell and others have decided that they do not need the $75 million and that other Federal agencies are going to take over. And the U.S. House had this release, had the proposal to eliminate Federal funding of TVA's appropriated programs in January of 1997.

Mr. President, what has happened is that after doing this, and leaving the distinct impression with the U.S. House Subcommittee on Appropriations that they were not going to need the money anymore, and surely were not going to need it for the 1999 appropriations bill, they have changed their mind. That is, both the Chairman down there in the Tennessee Valley Authority area and the White House. They now want the money, after going through all of this that I have just discussed with the Senate.

Let me tell you, what they did by proposing this was to get all of those in the surrounding areas who do not necessarily agree with the TVA to join in saying they do not need the money. And there are private power companies who clearly do not think TVA needs this nonpower money. But both the administration and the Chairman, Chairman Crowell, had indicated they do not need the money.

Mr. President, in spite of that, because the administration changed its mind, and the Senators from Tennessee and from Kentucky and others came to me and said, ''Well, we know we said we don't need the funding anymore, but will you fund it another time for us?'' I did. The Senate approved.

Mr. President, what has happened is the U.S. House said no, and, frankly, there is no way to change their mind because what they throw back at us is, we were just told in 1997 that that was the last year we needed that subsidy, that $75 million.

Frankly, if there is any blame to go around, it does not lie with the Senators, who did everything humanly possible. They got the Senate to fund it, they encouraged me to hold it, they even met with Members of the House to tell them to put it back in, but what they got was what we might have expected.

You just told us last year you don't need it anymore. The chairman down there issued this plan saying we don't need it. The President's budget said we don't need it.

Now, if there is any reason that we didn't get it, it is because of that, not because of partisan politics. There are no Democrats on the committee who went to conference with me who are in favor of that. No one in the House is in favor of it, because you tell the House, and apparently this is how it works over there; it is not too bad. It sounds like the way you would behave. Tell the House this is the last year we are funding TVA $75 million, and they aren't too sure you want to fund it anyway. You do it and then you come around and change your mind after you have had this exhaustive plan and this commission appointed so that you won't have to have this money. You come along and say, as I said, we need it in another year, and they are saying the House will not vote for it another year, we can stay here until Hades gets a little cool, but we will not approve it because you told us you don't need it, and now we have too much support against it and it will not be funded.

I am very hopeful for those who wanted to point fingers either at this Senator because he is Republican or some of the other Senators from the Tennessee Valley area. It is not their fault. Frankly, I don't think it is the committee's fault. It is just one of those things where, the way the House argued the case, you can't make them change their mind. And what they said was pretty logical. They had some good points. I know the occupant of the Chair served in the House. When you tell the House committee you are not going to fund it one single year beyond this one and come back and say, after all those plans and us getting money out of you, we need another year, it is not easy.

Nonetheless, I want to say I am trying, because the Tennessee Valley Authority has some very expensive interests on some outstanding long-term obligations, bonds and indebtedness, that they know they have to refinance, and in the process of refinancing, there would be a change in the interest rates. Obviously, it would be better and they would save money. We are trying to put together an amendment that would be taken care of as part of overall appropriations which would give them some interest rebate. So to the extent that this would help offset what they now think will be a big void because of the $75 million, we will try that.

It actually has strong support from a number of Senators, including the Tennessee Senators, that we try to do this. I say to the people there, I am going to try to do this with their help and with the help of Chairman STEVENS and others here in the U.S. Senate who I think will understand this issue and have understood it and will try to help us.

Mr. REID. Mr. President, this last week the Conference on the Energy and Water Development Appropriations concluded and has provided $21,332,135 for the programs, projects and activities of the Department of Energy, Army Corps of Engineers, Bureau of Reclamation, and other independent agencies. I would like to say that I generally support the Conference Report which Chairman DOMENICI recommend to the Senate today.

Just as a balanced bill cannot accommodate all the priorities and projects of Members of Congress, neither could this conference report. Nevertheless, it is because of the scope of this bill, providing vital services of the Department of Energy and the many water projects around the nation that the Senate needs to support the Conference Report.

For instance, the Department of Energy's breadth of responsibilities range from activities in nonproliferation to fissile materials disposition and from the projects in solar and renewable resources to the clean up of defense facilities such as Savannah River, Oak Ridge and Hanford.

Specifically, in the Defense part of the bill, we were told that the Stockpile Stewardship Management, the program that provides safety and reliability of the nuclear stockpile, needed $4.5 billion, yet even as we are providing it $4.4 billion we are increasing our oversight of construction projects to prevent waste and mismanagement. Without the Stockpile Stewardship program we would not have the ability to be able to verify to the President that the nuclear stockpile is safe and reliable and we would be living under continued testing of nuclear weapons.

In the Nondefense work at the Department of Energy, the Office of Science (formerly known as Energy Research) has facilitated many projects in science that will have practical impacts on the future of our society including the treatment of cancer, the isolation of diseased genes, and the tracing of contaminants in soils. I would note the vast research effort being made in the Fusion Energy Sciences. The Department has tried to cover its bases by funding different types of fusion energy research, but it eventually will have to make choices to focus on the most feasible technologies and the Conferees have provided this research almost $230 million.

We, as a subcommittee and Conference, were placed in an impossible dilemma regarding the funding of water projects and, in particular, the construction projects of the Corps of Engineers. The Conferees recognize the value of the civil works program in protecting lives and property throughout the United States and in preserving commercial trade in our ports and harbors; but we simply were not given the funds to reflect the importance of the Corps projects. Consequently, while the Conferees provided $1.429 billion in Corps Construction, there were many construction projects that could not receive the funding that they needed. This is unfortunate since the Corps has many projects around the United States that will now be hindered by uncertain schedules and planning that may become useless. On the other hand, projects such as the Chicago Shoreline, the Kill Van Kull Channel in New York and New Jersey, Charleston Harbor and Virginia Beach, among many others, were able to receive enough to address their emergency circumstances. The dredging of the ports and harbors along both the Atlantic and Pacific coastlines as well as the harbors in the Gulf of Mexico is no small task and responsibility for the Corps. On an annual basis, the U.S. ports and harbors handle an estimated $600 billion in international cargo generating over $150 billion in tax revenue. There are small navigation projects totaling $6 million; but there are larger projects that require an even greater commitment. It is unfortunate that, because of the funding dilemmas that we faced, water projects that are vital to communities and industries around the nation will now be stalled and mired in uncertainty. The administration should take note of the many criticisms of the budget request for the Army Corps of Engineers and recognize the essential role it has throughout the nation.

Another major agency under the jurisdiction of this appropriation is the Bureau of Reclamation, whose historical responsibility to manage the precious waters in the West extends back to the Newland Project in Nevada. I will not subscribe to any notion that

the Bureau is obsolete or unneeded and will oppose any effort to minimize the Bureau's role in water preservation. It's responsibility of reclaiming water and reusing it in communities is as needed now as ever. In the first half of the century, dams were built in managing the water systems, now we must be focusing on other reuse methods like desalination systems.

Throughout the arid West the Bureau has assisted in the use and management of water and has even facilitated the cooperation of community interests such as the CALFED Bay Delta Project in California which received $75 million to continue its management of the Delta system which means that agriculture, environmental, and industry are cooperating in unprecedented ways. There are reclamation and water supply projects from Arizona to Idaho and from Washington to New Mexico. The communities benefit from new sources of water such as the community in Montana that will no longer have to haul their water for miles in pickup trucks so that their homes can have water. This was the goal of the Bureau of Reclamation when it was founded: to provide the homes and communities throughout the West with water and it remains the goal today.

Mr. President, this conference report does not satisfy everybody, nor does it do justice to the many water projects that need our support, but it is the best the conference could arrive at with the funding allocations that we were given. Mr. President, I ask the Senate to support this Conference Report. And I thank the staff of the Energy and Water Subcommittee for their hard work and diligence throughout the process: Alex Flint, David Gwaltney, Gregory Daines, Lashwanda Leftwich, Elizabeth Blevins and Bob Perret on my personal staff.

Mr. DOMENICI. Mr. President, H.R. 5060, the Energy and Water Development Appropriations Act, 1999, complies with the Budget Act's section 302(b) allocation of budget authority and outlays.

The conference report provides $20.9 billion in budget authority and $13.0 billion in new outlays to fund the civil programs of the Army Corps of Engineers, the Bureau of Reclamation, certain independent agencies, and most of the activities of the Department of Energy. When outlays from prior year budget authority and other actions are taken into account, this bill provides a total of $20.7 billion in outlays.

For defense discretionary programs, the conference report is below its allocation by $11 million in budget authority and $1 million in outlays. The conference report also is below its nondefense discretionary allocation by $20 million in budget authority and $46 million in outlays.

Mr. President, I ask unanimous consent that a table displaying the Budget Committee scoring of this conference report be printed in the RECORD at this point.

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

H.R. 4060, ENERGY AND WATER APPROPRIATIONS, 1999, SPENDING COMPARISONS—CONFERENCE REPORT

(Fiscal year 1999, in millions of dollars)

	Defense	Nondefense	Crime	Mandatory	Total
Conference Report:					
Budget authority	12,019	8,889	.....	.....	20,908
Outlays	11,819	8,853	.....	.....	20,672
Senate 302(b) allocation:					
Budget authority	12,030	8,909	.....	.....	20,939
Outlays	11,820	8,899	.....	.....	20,719
1998 level:					
Budget authority	11,680	8,999	.....	.....	20,679
Outlays	11,675	9,008	.....	.....	20,683
President's request:					
Budget authority	12,298	9,003	.....	.....	21,301
Outlays	11,875	9,150	.....	.....	21,025
House-passed bill:					
Budget authority	11,934	8,719	.....	.....	20,653
Outlays	11,171	8,742	.....	.....	20,513
Senate-passed bill:					
Budget authority	12,030	8,912	.....	.....	20,942
Outlays	11,818	8,896	.....	.....	20,714
Conference Report Compared To:					
Senate 302(b) allocation:					
Budget authority	−11	−20	.....	.....	−31
Outlays	−1	−46	.....	.....	−47
1998 level:					
Budget authority	339	−110	.....	.....	229
Outlays	144	−155	.....	.....	−11
President's request					
Budget authority	−279	−114	.....	.....	−393
Outlays	−56	−297	.....	.....	−353
House-passed bill:					
Budget authority	85	170	.....	.....	255
Outlays	48	111	.....	.....	159
Senate-passed bill:					
Budget authority	−11	−23	.....	.....	−34
Outlays	1	−43	.....	.....	−42

Note: Details may not add to totals due to rounding. Totals adjusted for consistency with current scorekeeping conventions.

Mr. GRAHAM. Mr. President, fellow Senators. I rise today with my colleague, Senator MACK, to discuss the status of the Kissimmee River Restoration project in the state of Florida. This project is a land acquisition and canal backfilling project. it was authorized by Congress in the Water Resources Development Act of 1992. The state of Florida has spent approximately $95 million in land acquisition and restoration evaluation. The state of Florida has met all of the necessary schedule requirements defined in the Project Cooperation Agreement with the Corps to keep this project on schedule.

To date, the state's expenditures far exceed the federal contribution—a situation that occurred by design. The state of Florida has front-loaded the land acquisition costs and the federal government is supposed to back-load construction costs.

Mr. MACK. The first backfilling contract is scheduled to be awarded on March 30, 1999. For this contract to be awarded, the Corps has indicated that between $22 and $23 million must be appropriated for this project. Today we are reviewing an Energy and Water appropriations bill that includes only $8 million for the Kissimmee River project.

Mr. GRAHAM. I have been involved in the Kissimmee River project since my days as Governor of the state of Florida. This project is the first step in a long series of individual projects that seek to restore the Florida Everglades to a state as close to their natural state as possible. The results of this backfill contract will be visible to the naked eye. This first contract would backfill 9 miles of the Kissimmee Canal; restoring approximately 16 square miles of restored river/floodplain ecosystem and 17 miles of river channel. Not only will this have important ecological benefits, but it will also make an important contribution to increasing water storage capacity and improving water quality north of Lake Okechobee.

Mr. MACK. The Kissimmee River restoration project is at a critical phase. With the current funding levels in the 1999 Energy and Water appropriations bill, this project will not move forward. We both understand the difficult nature of funding decisions in these times of tight budgets, but we also recognize the responsibility of the federal government to meet its costshare requirements with the state of Florida and fund the construction phase of this project.

Mr. GRAHAM. Today, I ask the Chair and Ranking Member of the Senate Energy and Water Appropriations Committee, Senators DOMENICI and REID, of

your intentions for the future of the Kissimmee project.

Senator MACK and I remain committed to forward progress on the Kissimmee River restoration. We would like to work with the committee to identify potential reprogramming opportunities within the Army Corps budget that might allow forward progress on this project which is so critical to Everglades restoration.

We would also like to work with the committee during the fiscal year 2000 appropriations process to ensure that the Kissimmee River restoration is funded at appropriate levels.

Mr. DOMENICI. I recognize the importance of this project to the state of Florida, and I look forward to working with the Senators from Florida to identify any potential funding alternatives or reprogramming options for the Kissimmee River project. We will work together in the next year to include appropriate funding levels for the Kissimmee River restoration project in the fiscal year 2000 appropriations bill.

Mr. REID. I would like to echo the comments of Senator DOMENICI by stating my support for the Kissimmee River restoration project. I, too, look forward to working with both Senators GRAHAM and MACK in the next week to identify any funding or reprogramming opportunities for the Kissimmee River project.

Mr. GORTON. Mr. President, I rise to engage the chairman of the Subcommittee, Senator DOMENICI, in a brief colloquy. It has come to my attention that, due to some confusion regarding the funding of an on-going Section 1135 ecosystem restoration project of a similar name, the conference report to accompany the Energy and Water Development Appropriations bill eliminated funding for the Duwamish and Green River Basin study. Would the chairman agree that neither the Committee nor the conferees are opposed to the ongoing Duwamish and Green River Basin study?

Mr. DOMENICI. Mr. President, the Senator from Washington is correct. There has been some confusion regarding this study and the funding for the Green-Duwamish ecosystem restoration project under the Section 1135 program.

Mr. GORTON. Would the Chairman also agree that the Corps of Engineers should seek a reprogramming of funds to keep this important project on schedule and, if sought, would the chairman be inclined to approve such a request?

Mr. DOMENICI. Mr. President, I agree that, if appropriate, the Corps of Engineers should seek to reprogram funds to keep this study moving forward. I am not aware of any opposition to the project and do not anticipate a problem with a reprogramming request.

Mr. HOLLINGS. Mr. President, I rise today to thank the distinguished Senator from New Mexico, the Chairman of the Energy and Water Subcommittee, for the outstanding work he has done on this bill. This is an extremely tough bill covering a diverse range of issues from our nation's nuclear defenses, to scientific research to water projects impacting each and every state. He has done a superb job in balancing these needs. I wish to especially thank him for recognizing the special needs for Positron Emission Tomography work at the Medical University of South Carolina in Charleston, South Carolina.

Mr. DOMENICI. I thank the Senator from South Carolina. I appreciate his interest in this bill and in medical research. The Subcommittee appreciated the Senator bringing the Medical University of South Carolina's needs to the Committee's attention last year and he has again made a convincing case for them this year.

Mr. HOLLINGS. Cancer rates in South Carolina are some of the highest in the nation, with more than 17,000 new cases diagnosed and more than 8,100 deaths each year. The funding in this bill is critical to our efforts to combat cancer in South Carolina as well as the nation and I thank the Senator.

In closing, there may be some slight confusion regarding the funds for the Medical University of South Carolina. I want to make sure everyone understands these funds are to build upon last year's efforts and are to be used to design and construct an expansion of the Medical University of South Carolina's cancer research center to provide space for Positron Emission Tomography treatment. Is that your understanding?

Mr. DOMENICI. The Senator from South Carolina is correct. I thank him for clarifying this matter.

Mr. HOLLINGS. I thank the Senator from New Mexico. I yield the floor.

Mr. COVERDELL. Mr. President, I have read and agree with the subcommittee's views on improving the efficiency of Nuclear Regulation Commission regulation. There is significant evidence that different, but equally protective, approaches to regulation could result in more efficient regulatory practices.

As I am sure the Senator from New Mexico is aware, there are some areas within the Commission's purview that will be challenged to keep up with the growing workload even in the face of significant improvements in efficiency. An example is the Spent Fuel Project Office (SFPO) which is responsible for approving domestic use new dual purpose canister systems for the safe storage and transportation of spent nuclear fuel; ensuring the safety of existing technologies that have been deployed throughout the nuclear energy industry as needs for out-of-pool storage have emerged; reviewing and approving cask technologies necessary to support high priority non-proliferation activities of the United States, including the DOE Foreign Research Reactor Spent Fuel Receipt Program; reviewing and approving the transportation technologies for nuclear materials other than spent fuel; and reviewing and approving or providing support to a host of other spent fuel storage and transportation initiatives sponsored by either the federal government or private interests.

Does the Chairman agree with me that this plays an important role and does he believe that the agency recognizes the importance of the office's work?

Mr. DOMENICI. I agree with the Senator's observations. The licensing of technologies to handle the storage and transportation of various types of spent fuel is one of the few areas within the Commission's budget in which the demand for regulatory activity is clearly increasing.

In addition, I hope the agency will examine further management initiatives, such as those currently under review, that might be necessary in the short term to address existing budget constraints and to ensure that the resources that are available are being utilized to maximize the likelihood of succession review of application for new technologies.

I agree with the Senator from Georgia that the Commission should continue to monitor the workload of the SFPO to ensure that adequate resources are available to meet demand for application reviews.

Mr. DOMENICI. Mr. President, all time is yielded back.

The PRESIDING OFFICER. Under the previous order, the question is on agreeing to the conference report.

The conference report was agreed to.

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

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

SENATE TASK FORCE ON PLUTONIUM DISPOSITION

Mr. LOTT. Mr. President, the end of the Cold War served to greatly reduce the threat of global instability, but the world is far from being a safe place today. Challenges to continued world peace—from increased terrorist activities to display of nuclear weapon capabilities by new countries—seem to occur weekly. To date, we have not had to face the dreaded combination of terrorists with nuclear arms, but that possibility must be considered as we evaluate new terrorist threats.

Designs for crude nuclear weapons, potentially more powerful than the Hiroshima bomb, are readily available today. The only hurdle for terrorists to overcome is acquisition of the plutonium or highly enriched uranium needed to build the weapon.

Senator PETE DOMENICI, my colleague from New Mexico, has grappled with these issues for many years. He

led the Senate's efforts through the U.S./Russian Agreement on Highly Enriched Uranium to secure 500 tons of this material from Russia, enough for perhaps 20,000 bombs.

More recently, Senator DOMENICI has focused his attention on 50 tons of weapons-grade plutonium that Russia has declared to be surplus; that's enough material for almost 10,000 nuclear weapons. He has led efforts to ensure that this surplus plutonium won't present us with a future threat.

His trips to Russia, first last July with Senator THOMPSON and Senator GRAMS, and then more recently to the Moscow Summit, focus on this issue. Through those trips, Senator DOMENICI is well known to the leadership of the Russian weapon programs. His proposals for rapid progress on this surplus plutonium have been thoroughly studied throughout the world, from Japan to France.

Senator DOMENICI discussed his proposals with President Clinton in late July and encouraged that plutonium disposition be a focus of this past Summit. The protocol on plutonium disposition at the Moscow Summit is an important first step, but it is only the first step.

We have to go far beyond just signing the protocol to secure the benefits that it can provide—to ensure that the material is never rebuilt into weapons or found in the hands of terrorists or rogue states. Furthermore, the Senate needs to advise the Administration on the detailed agreements that will enable real progress.

Today, I'm appointing a Senate Task Force on Plutonium Disposition to provide this input from the Senate to the Administration. I'm pleased that Senator DOMENICI has agreed to chair this task force, to continue his leadership on this vital topic.

Also serving on the task force will be Senator RICHARD LUGAR of Indiana, Senator FRANK MURKOWSKI of Alaska, Senator JON KYL of Arizona, Senator CARL LEVIN of Michigan, Senator JEFF BINGAMAN of New Mexico and Senator PATTY MURRAY of Washington. Each of these Members brings knowledge and concern that will be valuable in guiding the Senate on this issue.

As agreements are finalized, the Senate may be called upon to approve programs or provide resources; we will depend on this task force to provide information for informed debates on these subjects.

Disposition of the current 50 tons of Russian excess weapons-grade plutonium is an important national goal. We have a golden window of opportunity to rid the world of materials for thousands of nuclear weapons. We must seize this moment.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Monday, September 28, 1998, the federal debt stood at $5,525,125,982,443.88 (Five trillion, five hundred twenty-five billion, one hundred twenty-five million, nine hundred eighty-two thousand, four hundred forty-three dollars and eighty-eight cents).

Five years ago, September 28, 1993, the federal debt stood at $4,386,349,000,000 (Four trillion, three hundred eighty-six billion, three hundred forty-nine million).

Ten years ago, September 28, 1988, the federal debt stood at $2,587,978,000,000 (Two trillion, five hundred eighty-seven billion, nine hundred seventy-eight million).

Fifteen years ago, September 28, 1983, the federal debt stood at $1,354,464,000,000 (One trillion, three hundred fifty-four billion, four hundred sixty-four million) which reflects a debt increase of more than $4 trillion—$4,170,661,982,443.88 (Four trillion, one hundred seventy billion, six hundred sixty-one million, nine hundred eighty-two thousand, four hundred forty-three dollars and eighty-eight cents) during the past 15 years.

WELLSTONE AMENDMENT TO THE HIGHER EDUCATION ACT

Mr. KENNEDY. Mr. President, I supported Senator WELLSTONE's amendment to the Higher Education Act and I regret that it was not included in the conference report. The amendment would have increased educational opportunities for people on welfare. It passed the Senate with a bipartisan majority, but was rejected by House Republicans, even though it was also supported by the White House, and by more than 150 social welfare groups.

The goal of this amendment is to correct a serious deficiency in the harsh welfare reform law enacted two years ago. Too often, welfare reform around the country has focused on immediate work experience as a means to achieve financial independence, but the focus is excessive, because it reduced options for welfare recipients who wish to complete to two- or four-year college degrees.

Welfare reform around the country has tended to focus on immediate work experience as a means to achieve financial independence. The new direction of welfare reform at both state and federal levels has generally reduced the options available for welfare recipients who wish to complete a two- or four-year college degree. It is extremely difficult for single parents to be full-time students and work part-time and still give adequate time to their families.

The welfare reform program called Temporary Assistance to Needy Families, is based on the idea that work is the best way to achieve independence, especially if the work comes with job security and fair wages. For many people, education is the best road to jobs that achieve these goals. Higher education is often the best way to earn higher wages, achieve independence from welfare, and provide protection from future poverty and unemployment.

Recent studies have found that the average wage for a person who was previously on welfare and then earned a degree is $11.00 an hour, and that each year of education completed by welfare recipients increases wages by as much as $1.14 per hour. A study of 4,500 working mothers in the Census Bureau's Survey of Income and Program Participation found that a college degree is worth an additional $2.58 per hour for working mothers, compared to the wages of high school graduates. The special importance of higher education for women is emphasized by other data showing that women need a college degree to make the same amount of money that men earn with only a high school education.

The results of these studies are hardly surprising. We know the importance of higher education and the advantages it opens up. The Bureau of Labor Statistics reported in March 1995 that adult workers with less than a high school diploma earned an annual average of only $13,697. Adult workers with a high school degree earned $20,248. With an associates degree, they earned $26,363, and with a bachelor's degree they earned $37,224.

The job and career benefits of higher education are also demonstrated by the poverty statistics of the Department of Labor. In 1995 only 1.5 percent of those with a four-year college degree were living in poverty compared to 3.3 percent of those with an associates degree, 6.1 percent of those with a high school diploma, and 17.2 percent of those without a high school diploma.

The evidence for the Wellstone amendment is overwhelming, and a bipartisan majority of the Senate was right to pass it. Under its provisions, 24 months of post-secondary education or vocational educational training would be permissible work activities under welfare reform.

I commend Senator WELLSTONE's leadership on this important issue. States should have the flexibility to create responsible ways to move people from welfare to work, by allowing welfare recipients to include higher education as a part of their effort to achieve financial independence and provide effectively for their families. The House conferees were wrong to reject this positive reform, and we should do all we can to enact it as soon as possible.

CONGRESS NEEDS TO ACT ON HEALTH INSURANCE FOR WORKING FAMILIES

Mr. KENNEDY. Mr. President, this weekend, the New York Times reported on the latest data on Americans without health insurance. According to the Census Bureau, the number of uninsured has now reached 43.4 million of our fellow citizens—an increase of 1.7 million since last year. This increase is on top of the growth in the uninsured of one million last year. The proportion of Americans without health insurance is now higher than it has been

for more than a decade. It is especially ominous that this increase in the number of uninsured has occurred at a time when the economy is strong and joblessness is low.

Congress should be addressing this issue, but the Republican leadership is just not interested. What is important to average families is not important to them. Whether the issue is protecting patients against the abuses of managed care, or protecting the public against the tobacco industry, or saving social security, or raising the minimum wage, or improving education, or closing the loopholes in the campaign financing laws, the Republican leadership just doesn't think it is a priority. Their primary goal is to protect the special interests—not to protect American families.

The plight of workers without health insurance—and of families that may be protected today but could lose their insurance tomorrow—is a particularly compelling example of the need for action. Under President Clinton's leadership, Democrats in Congress have repeatedly tried to address this problem four years ago—Republicans always say, ''no.'' Millions of Americans have suffered because we failed to act. Addressing this crisis is clearly a priority for Democrats and the nation, and it ought to be a priority for Republicans too.

We have taken incremental steps in recent years. We have made it easier for workers who change jobs to keep their health insurance, and we have expanded coverage for children. These efforts were resisted every step of the way by the Republican leadership in Congress. The new Census Bureau report confirms what everyone who deals with this problem already knows—these limited steps, as important as they are, are not nearly enough.

It should be unacceptable that 43 million Americans have no health insurance today. It should be intolerable that no American family can be confident that the health insurance they have today will be there for them tomorrow, if serious illness strikes. It is indefensible that this Congress is doing nothing to keep this problem from getting worse every year.

The vast majority—85%—of uninsured Americans are workers or members of their families. These citizens work hard—40 hours a week, 52 weeks of the year in most cases—but all their hard work cannot buy them the health insurance they need to protect their families, because they can't afford it and their employers won't provide it.

Every uninsured American is an American tragedy waiting to happen. Infants lose their chance to grow up strong and healthy because they do not get basic prenatal and post-natal care. A young family loses its livelihood because a breadwinner cannot afford needed medical care. Middle-aged parents see their savings swept away by a tidal wave of medical debt.

Earlier this year, I proposed legislation that be an important step toward the day when every job carries with it a guarantee of affordable health care, so that every family can be confident that the quality of its health will not be determined by the amount of its wealth.

Every business is expected to pay a minimum wage, and to obey the child labor laws. Every business is expected to provide safe and healthy working conditions, and to protect against injury on the job through worker's compensation. Every business is expected to contribute to retirement through Social Security, and to the health needs of the elderly through Medicare. It is long past time for businesses also to contribute to the cost of basic health insurance coverage for their workers.

Some small firms may have special problems that call for special solutions. But there is no excuse for large firms to avoid their responsibility to provide affordable health insurance for their workers.

Under the bill I proposed, businesses with 50 or more workers will be required to provide health insurance coverage. Approximately half of all uninsured employees and their families—15 million people—will gain the coverage they need and deserve. This legislation is a giant step toward the day when every American will be guaranteed the fundamental right to health care.

Many—even most—businesses already provide insurance. The vast majority of large businesses fulfill this obligation. But too many others do not. In more and more cases, unfair competition from firms that refuse to provide insurance for their workers is compelling other firms to reduce health benefits or drop coverage altogether.

Health insurance for working Americans does not have to mean complex regulations or excessive government intervention. The legislation I introduced was simple—less than ten pages. it will not cost taxpayers a dime. It includes no specific mandated benefits or burdensome red tape. it simply says that every business with 50 workers or more must offer its employees coverage equal in value to the Blue Cross/Blue Shield Standard Option Plan that is available to every Senator and Representative, and must pay at least 72% of the cost—the same proportion that taxpayers contribute for every member of Congress.

The American people deserve health care for their families that is every bit as good as the health care they provide to every member of Congress. Shame on the Congress for ignoring this need. Shame on the Republican leadership for its misguided priorities.

When the people go to the polls in November, they deserve to know who stands with the special interests and who stands with families who need affordable health coverage.

When the new Congress returns next year, I will do everything I can to assure that health care for every American is as high on that Congress's priority list as it is on the priority list of American families. It is time to end the suffering. It is time for Americans to join every other country in the industrialized world and guarantee its citizens the basic right to health care.

MESSAGES FROM THE PRESIDENT

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

EXECUTIVE MESSAGES REFERRED

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

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

MESSAGES FROM THE HOUSE RECEIVED DURING ADJOURNMENT

Under the authority of the order of the Senate of January 7, 1997, the Secretary of the Senate, on September 29, 1998, during the adjournment of the Senate, received a message from the House of Representatives announcing that House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 6) to extend the authorization of programs under the Higher Education Act of 1965, and for other purposes.

MESSAGES FROM THE HOUSE

At 11:02 a.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bill, without amendment:

S. 2071. An act to extend a quarterly financial report program administration by the Secretary of Commerce.

The message also announced the House disagrees to the amendment of the Senate to the bill (H.R. 3150) to amend title 11 of the United States Code, and for other purposes, and agrees to the conference asked by the Senate on the disagreeing votes of the Houses thereon; and appoints the following Members as the managers of the conference on the part of the House:

From the Committee on the Judiciary, for consideration of the House's bill and Senate amendment, and modifications committed to conference: Mr. HYDE, Mr. MCCOLLUM, Mr. GEKAS, Mr. GOODLATTE, Mr. BRYANT, Mr. CHABOT, Mr. CONYERS, Mr. NADLER, Mr. BOUCHER, and Ms. JACKSON-LEE of Texas.

MEASURE PLACED ON THE CALENDAR

The following measure was read the second time and placed on the calendar:

H.R. 4579. An act to provide tax relief for individuals, families, and farming and other small business, to provide tax incentives for education, to extend certain expiring provisions, to amend the Social Security Act to establish the Protect Social Security Account into which the Secretary of the Treasury shall deposit budget surpluses until a reform measure is enacted to ensure the long-term solvency of the OASDI trust funds, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–7227. A communication from the Associate Managing Director for Performance Evaluation and Records Management, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Table of Allotments, FM Broadcast Stations (Big Pine Key, Clewiston, Ft. Myers Villas, Indiantown, Jupiter, Key Colony Beach, Naples and Tice, Florida)'' (Docket 94–155) received on September 25, 1998; to the Committee on Commerce, Science, and Transportation.

EC–7228. A communication from the General Counsel of the Department of Housing and Urban Development, transmitting, pursuant to law, the report of two rules regarding multifamily housing assistance (RIN2502–AH09) and loan guarantees for Indian housing (RIN2577–AB78) received on September 25, 1998; to the Committee on Banking, Housing, and Urban Affairs.

EC–7229. A communication from the Assistant to the Board of Governors of the Federal Reserve System, transmitting, pursuant to law, the report of a rule entitled ''Regulation C, Home Mortgage Disclosure'' (Docket R–0999) received on September 25, 1998; to the Committee on Banking, Housing, and Urban Affairs.

EC–7230. A communication from the Secretary of Transportation, transmitting, pursuant to law, a report entitled ''Feasibility and Environmental Benefits Associated With Requiring Oil Spill Response Equipment on Tank Vessels''; to the Committee on Environment and Public Works.

EC–7231. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Carfentrazone-ethyl; Pesticide Tolerance'' (FRL6032–1) received on September 28, 1998; to the Committee on Environment and Public Works.

EC–7232. A communication from the Acting Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Endangered and Threatened Wildlife and Plants: Establishment of a Nonessential Experimental Population of Black-Footed Ferrets in Northwest Colorado and Northeastern Utah'' (RIN1018–AD99) received on September 25, 1998; to the Committee on Environment and Public Works.

EC–7233. A communication from the Acting Assistant Secretary for Import Administration, Department of Commerce and the Director of the Office of Insular Affairs, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Limit on Duty-Free Insular Watches in Calendar Year 1999'' (RIN0625–AA53) received on September 22, 1998; to the Committee on Finance.

EC–7234. A communication from the Senior Attorney and Federal Register Certifying Officer, Financial Management Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Management of Federal Agency Disbursements'' (RIN1510–AA56) received on September 25, 1998; to the Committee on Finance.

EC–7235. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Internal Revenue Service Announces New Procedures For Handling Matters In Bankruptcy'' (Announcement 98–89) received on September 28, 1998; to the Committee on Finance.

EC–7236. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Low Income Housing Credit'' (Rev. Rul. 98–45) received on September 28, 1998; to the Committee on Finance.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM–547. A resolution adopted by the Board of Chosen Freeholders, Ocean County, New Jersey relative to Veterans Administration funding; to the Committee on the Budget.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. ROTH, from the Committee on Finance, with an amendment in the nature of a substitute:

H.R. 4342. A bill to make miscellaneous and technical changes to various trade laws, and for other purposes (Rept. No. 105–356).

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. LOTT (for himself, Mr. KERREY, Mr. MCCAIN, Mr. LIEBERMAN, Mr. HELMS, Mr. SHELBY, Mr. BROWNBACK, and Mr. KYL):

S. 2525. A bill to establish a program to support a transition to democracy in Iraq; to the Committee on Foreign Relations.

By Mr. HOLLINGS:

S. 2526. A bill to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel LITTLE TOOT; to the Committee on Commerce, Science, and Transportation.

By Mr. LAUTENBERG (for himself, Mr. DODD, Mr. BUMPERS, and Ms. MOSELEY-BRAUN):

S. 2527. A bill to better regulate the transfer of firearms at gun shows; to the Committee on the Judiciary.

By Mr. MCCONNELL:

S. 2528. A bill to direct the Commissioner of Social Security to establish a demonstration project to conduct outreach efforts to increase awareness of the availability of medicare costsharing assistance to eligible low-income medicare beneficiaries; to the Committee on Finance.

By Mr. DASCHLE (for himself and Mr. KENNEDY):

S. 2529. A bill entitled the Patients Bill of Rights Act of 1998; read the first time.

By Mr. SPECTER:

S. 2530. A bill to designate certain lands in the Valley Forge National Historical Park as the Valley Forge National Cemetery, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. BOND (for himself, Mr. ASHCROFT, Mr. DOMENICI, and Mr. SHELBY):

S. 2531. A bill to designate a portion of Interstate Route 70 in Missouri as ''Mark McGwire Interstate Route 70''; considered and passed.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. SPECTER (for himself, Mr. HOLLINGS, Mr. MOYNIHAN, Mr. SANTORUM, Mr. FORD, Mr. D'AMATO, Mr. HATCH, Ms. MIKULSKI, Mr. BENNETT, Mr. SESSIONS, Mr. HUTCHINSON, Mr. BYRD, Mr. SARBANES, Mr. ROCKEFELLER, Mr. COATS, and Mr. LEVIN):

S. Con. Res. 121. A concurrent resolution expressing the sense of Congress that the President should take all necessary measures to respond to the increase in steel imports resulting from the financial crises in Asia, the independent states of the former Soviet Union, Russia, and other areas of the world, and for other purposes; to the Committee on Finance.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. LOTT (for himself, Mr. KERREY, Mr. MCCAIN, Mr. LIEBERMAN, Mr. HELMS, Mr. SHELBY, Mr. BROWNBACK, and Mr. KYL):

S. 2525. A bill to establish a program to support a transition to democracy in Iraq; to the Committee on Foreign Relations.

IRAQ LIBERATION ACT OF 1998

Mr. LOTT. Mr. President, I am introducing legislation allowing the President to provide direct and overt military assistance to the Iraqi opposition. This is a bipartisan initiative. I am joined by Senator KERREY of Nebraska, Senator MCCAIN of Arizona, Senator LIEBERMAN of Connecticut, Senator HELMS of North Carolina, Senator SHELBY of Alabama, Senator BROWNBACK of Kansas, and Senator KYL of Arizona.

Today is the 55th day without weapons inspections in Iraq. For months, I have urged the Administration to fundamentally change its policy on Iraq. Monitoring the concealment of weapons of mass destruction is not enough. Our goal should be to remove the regime of Saddam Hussein from power.

We should have no illusions. This will not be easy and it will not happen quickly. But it can happen. the U.S. has worked with Iraqi opponents of Saddam Hussein in the past. We can and should do so in the future.

I have been working with a bipartisan group of Senators throughout much of the year to support a change

in U.S. policy toward Iraq. In State Department Authorization Conference Report, $38 million is authorized for political and humanitarian support for the Iraqi opposition.

In P.L. 105–174, Congress appropriated $5 million to support the political opposition and $5 million to establish Radio Free Iraq.

In the Senate passed version of the Fiscal Year 1999 Foreign Operations Appropriations Act, there is an additional $10 million for political support to the Iraq opposition.

These steps have been important. But they are not enough. It is time to move beyond political support to direct military assistance. It is time to openly state our policy goal is the removal of Saddam Hussein's regime from power.

As long as Saddam Hussein remains in power, Iraq will pose a threat to stability in the Persian Gulf. As long as he remains in power, Iraq will pursue weapons of mass destruction programs. His record speaks for itself.

The answer is not just ''containment'' or a US-led invasion. There are Iraqis willing to fight and die for the freedom of their country. There are significant portions of Iraq today which are not under the control of Saddam Hussein.

Our goal should be to support Iraqi freedom fighters and expand the area under their control.

I have discussed this approach with senior Administration officials. I have consulted with distinguished outside experts. I have raised this approach with heads of states and government officials from the region. I believe this approach can work.

S. 2525, the Iraq Liberation Act of 1998, has four major components. First, it calls for a policy to seek the removal of the Saddam Hussein regime.

Second, it authorizes the President to provide $2 million for broadcasting and $97 million in military aid to Iraqi opposition forces. The President is given the discretion to designate the recipients of this assistance. The military aid authority is similar to that used to support anti-narcotics operations in South America and to train and equip the Bosnian army.

Third, it renews Congressional calls for an international tribunal to try Saddam Hussein and other Iraqi officials for war crimes. This will be a crucial step in delegitimizing his reign of terror.

Finally, the bill looks toward post-Saddam Iraq and calls for a comprehensive response to the challenges of rebuilding the country devastated by decades of Saddam Hussein' rule.

Similar legislation has already been introduced in the House. We will make every effort to work with the Administration to see if we can enact this legislation before we leave.

We need bipartisanship now more than ever in foreign policy. This is a bipartisan approach to U.S. policy toward Iraq. We are interested in looking to the future. We are interested in protecting American interests and ensuring that Saddam Hussein can never again threaten his neighbors with military force or weapons of mass destruction.

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. 2525

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 ''Iraq Liberation Act of 1998''.

SEC. 2. FINDINGS.

The Congress makes the following findings:

(1) On September 22, 1980, Iraq invaded Iran, starting an eight year war in which Iraq employed chemical weapons against Iranian troops and ballistic missiles against Iranian cities.

(2) In February 1988, Iraq forcibly relocated Kurdish civilians from their home villages in the Anfal campaign, killing an estimated 50,000 to 180,000 Kurds.

(3) On March 16, 1988, Iraq used chemical weapons against Iraqi Kurdish civilian opponents in the town of Halabja, killing an estimated 5,000 Kurds and causing numerous birth defects that affect the town today.

(4) On August 2, 1990, Iraq invaded and began a seven month occupation of Kuwait, killing and committing numerous abuses against Kuwaiti civilians, and setting Kuwait's oil wells ablaze upon retreat.

(5) Hostilities in Operation Desert Storm ended on February 28, 1991, and Iraq subsequently accepted the ceasefire conditions specified in United Nations Security Council Resolution 687 (April 3, 1991) requiring Iraq, among other things, to disclose fully and permit the dismantlement of its weapons of mass destruction programs and submit to long-term monitoring and verification of such dismantlement.

(6) In April 1993, Iraq orchestrated a failed plot to assassinate former President George Bush during his April 14–16, 1993, visit to Kuwait.

(7) In October 1994, Iraq moved 80,000 troops to areas near the border with Kuwait, posing an imminent threat of a renewed invasion of or attack against Kuwait.

(8) On August 31, 1996, Iraq suppressed many of its opponents by helping one Kurdish faction capture Irbil, the seat of the Kurdish regional government.

(9) Since March 1996, Iraq has systematically sought to deny weapons inspectors from the United Nations Special Commission on Iraq (UNSCOM) access to key facilities and documents, has on several occasions endangered the safe operation of UNSCOM helicopters transporting UNSCOM personnel in Iraq, and has persisted in a pattern of deception and concealment regarding the history of its weapons of mass destruction programs.

(10) On August 5, 1998, Iraq ceased all cooperation with UNSCOM, and subsequently threatened to end long-term monitoring activities by the International Atomic Energy Agency and UNSCOM.

(11) On August 14, 1998, President Clinton signed Public Law 105-235, which declared that ''the Government of Iraq is in material and unacceptable breach of its international obligations'' and urged the President ''to take appropriate action, in accordance with the Constitution and relevant laws of the United States, to bring Iraq into compliance with its international obligations.''.

SEC. 3. POLICY OF THE UNITED STATES.

It should be the policy of the United States to seek to remove the regime headed by Saddam Hussein from power in Iraq and to promote the emergence of a democratic government to replace that regime.

SEC. 4. ASSISTANCE TO SUPPORT A TRANSITION TO DEMOCRACY IN IRAQ.

(a) AUTHORITY TO PROVIDE ASSISTANCE.—The President may provide to the Iraqi democratic opposition organizations designated in accordance with section 5 the following assistance:

(1) BROADCASTING.—(A) Grant assistance to such organizations for radio and television broadcasting by such organizations to Iraq.

(B) There is authorized to be appropriated to the United States Information Agency $2,000,000 for fiscal year 1999 to carry out this paragraph.

(2) MILITARY ASSISTANCE.—(A) The President is authorized to direct the drawdown of defense articles from the stocks of the Department of Defense, defense services of the Department of Defense, and military education and training for such organizations.

(B) The aggregate value (as defined in section 644(m) of the Foreign Assistance Act of 1961) of assistance provided under this paragraph may not exceed $97,000,000.

(b) HUMANITARIAN ASSISTANCE.—The Congress urges the President to use existing authorities under the Foreign Assistance Act of 1961 to provide humanitarian assistance to individuals living in areas of Iraq controlled by organizations designated in accordance with section 5, with emphasis on addressing the needs of individuals who have fled to such areas from areas under the control of the Saddam Hussein regime.

(c) RESTRICTION ON ASSISTANCE.—No assistance under this section shall be provided to any group within an organization designated in accordance with section 5 which group is, at the time the assistance is to be provided, engaged in military cooperation with the Saddam Hussein regime.

(d) NOTIFICATION REQUIREMENT.—The President shall notify the congressional committees specified in section 634A of the Foreign Assistance Act of 1961 at least 15 days in advance of each obligation of assistance under this section in accordance with the procedures applicable to reprogramming notifications under such section 634A.

(e) REIMBURSEMENT RELATING TO MILITARY ASSISTANCE.—

(1) IN GENERAL.—Defense articles, defense services, and military education and training provided under subsection (a)(2) shall be made available without reimbursement to the Department of Defense except to the extent that funds are appropriated pursuant to paragraph (2).

(2) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the President for each of the fiscal years 1998 and 1999 such sums as may be necessary to reimburse the applicable appropriation, fund, or account for the value (as defined in section 644(m) of the Foreign Assistance Act if 1961) of defense articles, defense services, or military education and training provided under subsection (a)(2).

(f) AVAILABILITY OF FUNDS.—(1) Amounts authorized to be appropriated under this section are authorized to remain available until expended.

(2) Amounts authorized to be appropriated under this section are in addition to amounts otherwise available for the purposes described in this section.

SEC. 5. DESIGNATION OF IRAQI DEMOCRATIC OPPOSITION ORGANIZATION.

(a) INITIAL DESIGNATION.—Not later than 90 days after the date of enactment of this Act, the President shall designate one or more

Iraqi democratic opposition organizations that satisfy the criteria set forth in subsection (c) as eligible to receive assistance under section 4.

(b) DESIGNATION OF ADDITIONAL GROUPS.—At any time subsequent to the initial designation pursuant to subsection (a), the President may designate one or more additional Iraqi democratic opposition organizations that satisfy the criteria set forth in subsection (c) as eligible to receive assistance under section 4.

(c) CRITERIA FOR DESIGNATION.—In designating an organization pursuant to this section, the President shall consider only organizations that—

(1) include a broad spectrum of Iraqi individuals and groups opposed to the Saddam Hussein regime; and

(2) are committed to democratic values, to respect for human rights, to peaceful relations with Iraq's neighbors, to maintaining Iraq's territorial integrity, and to fostering cooperation among democratic opponents of the Saddam Hussein regime.

(d) NOTIFICATION REQUIREMENT.—At least 15 days in advance of designating an Iraqi democratic opposition organization pursuant to this section, the President shall notify the congressional committees specified in section 634A of the Foreign Assistance Act of 1961 of his proposed designation in accordance with the procedures applicable to reprogramming notifications under such section 634A.

SEC. 6. WAR CRIMES TRIBUNAL FOR IRAQ.

Consistent with section 301 of the Foreign Relations Authorization Act, Fiscal Years 1992 and 1993 (Public Law 102–138), House Concurrent Resolution 137, 105th Congress (approved by the House of Representatives on November 13, 1997), and Senate Concurrent Resolution 78, 105th Congress (approved by the Senate on March 13, 1998), the Congress urges the President to call upon the United Nations to establish an international criminal tribunal for the purpose of indicting, prosecuting, and imprisoning Saddam Hussein and other Iraqi officials who are responsible for crimes against humanity, genocide, and other criminal violations of international law.

SEC. 7. ASSISTANCE FOR IRAQ UPON REPLACEMENT OF SADDAM HUSSEIN REGIME.

It is the sense of Congress that, once Saddam Hussein is removed from power in Iraq, the United States should support Iraq's transition to democracy by providing immediate and substantial humanitarian assistance to the Iraqi people, by providing democracy transition assistance to Iraqi parties and movements with democratic goals, and by convening Iraq's foreign creditors to develop a multilateral response to Iraq's foreign debt incurred by Saddam Hussein's regime.

Mr. KERREY. Mr. President, I rise to comment on the situation in Iraq and to urge my colleagues to support the legislation introduced by the Majority Leader today.

I spoke on Iraq on this floor last November and again in February, but Saddam Hussein is still in power, still threatening his neighbors and oppressing his people, so I must turn again to this topic. In fact, I will keep turning to it, joining my colleagues from both sides of the aisle, trying to change U.S. policy toward Iraq, because I cannot abide the idea of Saddam Hussein as the dictator of Iraq and I will never accept the status quo in Iraq. One of three things will happen, Mr. President: Saddam Hussein will lose his job, I will lose my job, or I will keep talking about him on this floor. 1998 has unfortunately brought us a new and less advantageous situation in our relationship with Iraq. First of all, other threats have pushed Iraq into the background.

Asia's recession and the collapse of the Russian ruble have sent shock waves through all the emerging markets. Economic instability is usually the harbinger of political instability, which in turn threatens the peace between nations and the ability of weakened nations to maintain their own security. The Indian-Pakistani nuclear confrontation and the unravelling of Russia's military are two highly significant examples of this trend. Russia's crisis is particularly important because our security and that of our allies depends on Russia keeping its nuclear weapons and fissile materials out of the hands of the rogue states and terrorist groups which would deliver them to us, either by ballistic missile or by the rented or stolen truck favored by terrorists.

Terrorism may or may not actually be on the rise, but terrorists have recently shown the intention and ability to attack American targets overseas. As we confront organizations like that of Usama bin Ladin, we come face to face with people who will go to great efforts to kill Americans, and we react strongly. In the aftermath of events like the bombing of Khobar Towers or the two embassies in Africa, we naturally move terrorism to the forefront of our threat concerns. As peace is gradually made in the world's most intractable ethnic and religious conflicts, terrorism ought to decline, but our rationality can not penetrate terrorist motivation.

In addition, there is proliferation. Rogue missiles and their deadly cargoes are rapidly developing, and spreading: the North Korean launch follows launches by Pakistan and Iran and tests of nuclear weapons in both India and Pakistan. The trend in the proliferation of weapons of mass destruction is running against us as an increasing number of countries come to view these missiles as a low-cost way of placing the U.S. and our allies at risk without expending the resources to confront us militarily across the board. In a way, Iraq during the Gulf War was the precursor of this kind of thinking: they entered the war with a big army and air force, but in the end the only thing that made them a serious and deadly opponent was their arsenal of SCUD missiles. SCUDs and the like may be 1950's technology, but armed with biological, chemical, or nuclear warheads, these missiles are equalizers in 1998.

And so, in this time of uncertainty and change, we rank the threats to our national life and to our individual lives and livelihoods, and we tend to forget Iraq. It is an old threat, after all, and we have lived with it for all this decade. In addition, Iraq seems held in check by its neighbors and by economic sanctions. Yet although the Iraqi threat may appear to be dormant, in fact the risk we and our allies run from the continuation of Saddam Hussein in power is in fact greater than it has been for years.

We know, most recently and unambiguously from the former U.N. weapons inspector Scott Ritter, that Iraq's program to develop weapons of mass destruction continues. We know that more than fifty days have elapsed since the last UNSCOM weapons inspection. Almost two months of immunity have been granted to a regime which used chemical weapons on its own people, which seeks biological weapons, and which had an active and advanced nuclear weapons program. Further, Iraqi regime rhetoric, stated most recently by Tariq Aziz at the U.N. General Assembly meeting this week, notifies us that Iraq will no longer accept UNSCOM monitoring, at least not in an effective form. So Iraq's neighbors, and we, can expect to be threatened by Iraqi weapons of mass destruction of ever-growing lethality in coming years, with no collective international action to halt it.

Saddam Hussein pays for his weapons programs by smuggling oil, at which he is getting more proficient, and by diverting resources which should be going to the Iraqi people. His military may be less capable than before the Gulf War, but his troops could still overwhelm the remaining areas of Iraqi Kurdistan outside his control. They could move north at any time or attack pockets of resistance in the southern marsh areas.

It is strongly in America's interest that Iraq's neighbors and our allies in the region live in peace and security. That interest alone more than justifies a policy to change the Iraqi government. But there is an additional reason which ought to have particular resonance in the United States. Mr President, I refer to the need to free the Iraqi people from one of the most oppressive dictatorships on earth.

We Americans, who have striven for more than two centuries to govern ourselves, should particularly feel the cruel anomaly which is the Iraqi government. In an age in which democracy is in the ascendant, in which democracy is universally recognized as a government's seal of legitimacy, the continued existence of a Stalinist regime like the one in Baghdad should inspire us to action. Saddam Hussein rules by raw fear. In terms of absolutism, personality cult, and terror applied at every level of society, only North Korea rivals Iraq today. The existence of such a government is a daily affront to every freedom-loving person, to everyone who is revolted by the degradation of our fellow human beings. I refuse to accept it, and I want the United States to refuse to accept it. As I have said on this floor before, when Saddam's prisons and secret police records and burial grounds are opened, when the Iraqis can at last tell their

horrifying story to the international court which will try Saddam for his many crimes against his own people, we Americans will be proud we took this stand.

Mr. President, over the past year we have made some progress toward a policy of replacing the Iraqi regime. The Foreign Operations Appropriations Bill passed by this body included funding for assistance to Iraqi opposition movements and for broadcasting to Iraq. The Administration has proposed a program to assist the Iraqi opposition abroad, to link the different groups together and get them organized. I support all these efforts, but they don't go far enough. The legislation before us takes the additional steps which indicate full commitment to helping the Iraqi people get rid of Saddam and his regime: the legislation states the commitment, and it enables the Administration to supply military assistance to the Iraqi opposition.

Mr. President, should this legislation come into effect, we and the Administration should be prepared for the possibility that the Iraqi opposition may use the military equipment they receive, together with their own resources, to liberate some portion of Iraq. As I have said before that will be the time for the United States to recognize the opposition as Iraq's government and lift economic sanctions on the liberated part of the country.

At this time in history, when some in the world seem ready to set aside their moral scruples and interact with Saddam, when the UNSCOM inspection system is at grave risk, when Saddam may attempt to break free of the sanctions which have restrained him since the Gulf War, it is urgent for the United States to clearly state its implacable opposition to Saddam and his regime. This legislation is the way to do that, and to simultaneously help Iraqis make their revolution. Besides strengthening the Iraqi opposition, this legislation tells Iraqis to keep up hope. It enables the Administration to tell Iraqis we know how bad Saddam is, we have the facts on him, and we will not rest until we see him in court. Iraqis will also learn that we understand the need to deal with the burden of debt Saddam has incurred, and we will work with Iraq's international creditors to find a solution for a post-Saddam Iraq. Iraqis will learn of our commitment to provide humanitarian assistance and democracy transition assistance to a post-Saddam Iraq. They will learn that an Iraq committed to democracy will be a welcome member in the family of nations. As they learn what we have done and what we are prepared to do, the Iraqi people will be our allies in an enterprise which will make them free, and America and its allies more secure.

By Mr. HOLLINGS:

S. 2526. A bill to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel *Little Toot*; to the Committee on Commerce, Science, and Transportation.

CERTIFICATE OF DOCUMENTATION FOR THE VESSEL ''LITTLE TOOT''

• Mr. HOLLINGS. Mr. President, I am introducing a bill today to direct that the vessel *Little Toot*, Official Number 938858, be accorded coastwise trading privileges and be issued a certificate of documentation under section 12103 of title 46, U.S. Code.

The *Little Toot* was constructed in Panama City, Florida in 1988. It is a tender vessel, which can be used also as a small tugboat, and was constructed by Marine Fabricators for Structures, Inc. It is 25.2 feet long, 12.2 feet wide, 4.1 feet deep, and self-propelled.

The vessel was purchased by Marinex Construction Company, Inc. of Johns Island, South Carolina, which purchased it in 1997 for intended use as a working tugboat in the harbor of Charleston, SC. The vessel has never been registered with the Coast Guard and has been sold a number of times. U.S. documentation laws require documentary proof of continuous U.S. ownership. The current owner has not been able to locate all the necessary documentation to prove continuous U.S. ownership, and therefore I am introducing legislation to waive the requirements of the coastwise trade law.

The owner of the *Little Toot* is seeking a waiver of the existing law because he wishes to use the vessel as a tugboat. His desired intentions for the vessel's use will not adversely affect the coastwise trade in U.S. waters. If he is granted this waiver, it is his intention to comply fully with U.S. documentation and safety requirements. The purpose of the legislation I am introducing is to allow the *Little Toot* to engage in the coastwise trade and the fisheries of the United States.•

By Mr. LAUTENBERG (for himself, Mr. DODD, Mr. BUMPERS, and Ms. MOSELEY-BRAUN):

S. 2527. A bill to better regulate the transfer of firearms at gun shows; to the Committee on the Judiciary.

THE GUN SHOW SUNSHINE ACT OF 1998

• Mr. LAUTENBERG. Mr. President, today on behalf of myself and Senators BUMPERS, DODD, and MOSELEY-BRAUN, I introduce the Gun Show Sunshine Act of 1998. This bill addresses the serious problem of gun shows where criminals can buy and sell dangerous weapons without any record of the sale, and without any background checks.

Let me outline the scope of the problem.

Since the Brady Act went into effect in 1994, more than 242,000 handgun purchases have been denied to convicted felons, fugitives, drug addicts and other dangerous persons. The Domestic Violence Gun Ban in the Brady Act, which I sponsored, went into effect in 1996 and has prevented more than 6,800 firearms sales to people convicted of abusing a spouse or child.

However, because of a loophole in our laws, those same people merely need to drive to a gun show and they can buy as many weapons as they want. Just walk in with cash and walk out with a weapon—no waiting, no background check, and no record of the transaction.

Simply put, gun shows are firearm flea markets for felons.

Because gun shows are largely unregulated, no one knows for sure how many gun shows are held each year, or how many guns are sold at them. Estimates range from 2,000 to 5,200 shows a year. These shows generate billions of dollars in gun sales and put thousands of guns into the hands of people who would be stopped from buying a gun if a background check were done.

The system is perfectly geared to the anonymity criminals crave. Tommy Dillon, a serial killer in Ohio, used gun shows to both buy and sell his murder weapons without a trace—even though police suspected he was the killer. Dillon was so sure he found a perfect system that he taunted police with an anonymous letter promising he would never be caught. He was caught after killing five people, but only because of a freak coincidence. After Dillon was picked up on an unrelated weapons charge, someone he had sold one of his murder weapons to recognized Dillon from a newspaper photo, and called the police when he realized he had one of the murder weapons police sought.

One California gun dealer used the unregulated flea-market atmosphere of gun shows to sell 1,700 guns in a four-year period. Some of these guns made their way to gang members and juveniles. Of the guns that could be traced, at least 30 were used in crimes, including three murders and a shoot out with police.

The Bureau of Justice Statistics estimates that 341,000 guns a year were stolen from private citizens between 1987 and 1992. Because there is no requirement to keep records, gun shows provide a safe haven to dispose of these weapons.

How did it come to be like this?

Back in 1986, under intense pressure from the gun lobby, Congress passed and President Reagan signed into law the Firearm Owners' Protection Act. The law substantially weakened the Gun Control Act of 1968, which was passed after the assassinations of Sen. Robert F. Kennedy and the Rev. Dr. Martin Luther King.

Among the changes was a loosening of the law regarding who needs a license to sell firearms and what records must be kept. Under the new law, anyone selling from their ''private collection'' or who is engaged in ''occasional sales'' was made exempt from federal record-keeping.

But the law does not define ''occasional sales'' or precisely what constitutes a ''personal collection.'' And, to make matters worse, the law prohibits agents of the Bureau of Alcohol, Tobacco and Firearms from even entering a gun show unless they are there on a specific case.

This has to stop. This bill would bring these weapons sales into the light and strip criminals of their government-granted anonymity. Under this bill, gun show operators would be required to obtain a license from the Bureau of Alcohol, Tobacco and Firearms and meet the same standards as federally licensed gun dealers—they must be more than 21 years of age and have no convictions for gun-law violations.

Any person selling a firearm at a gun show would be required to notify the gun-show operator. The gun-show operator would then conduct a background check of the purchaser using the Instant Check system, just as a licensed gun dealer is required to do. The gun-show operator would also be required to keep the same records as a licensed gun dealer, including the name and address of the purchaser, the type of gun and its serial number. The operator would also be required to submit to the ATF a list of the serial numbers of all guns sold at the show so that if these guns are later recovered at a crime scene, the ATF will be able to trace the gun.

This bill simply takes the laws that already apply to licensed gun dealers, and applies them to the thousands of transactions conducted by unlicensed sellers at gun shows.

Mr. President, we must do more to stop the gun violence on our streets. Firearms are involved in 35,000 deaths a year. That's more American killed than in the entire Korean War.

I urge my colleagues to help cut this weapons supply line that fuels an arms race on our streets. Let's work together to pass the Gun Show Sunshine Act and keep guns out of the hands of criminals.

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. 2527

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

SECTION 1. REGULATION OF GUN SHOWS.

(a) IN GENERAL.—Section 923 of title 18, United States Code, is amended by adding at the end the following:

''(m)(1) No person shall hold a gun show, unless—

''(A) the person is licensed to hold a gun show under this subsection; and

''(B) not less than 30 days have elapsed since the person, using a form which shall be prescribed by the Secretary, has notified the Secretary and the chief law enforcement officer of the appropriate jurisdiction of the postal address and the dates and times at which the gun show is to be held.

''(2) In order to be licensed to hold a gun show under this subsection, a person shall submit to the Secretary an application that—

''(A) contains a certification by the applicant that—

''(i) the applicant meets the requirements of subparagraphs (A) through (D) of subsection (d)(1); and

''(ii) any gun show to be conducted under the license is not prohibited under State or local law, and will be conducted in accordance with all applicable State and local laws;

''(B) contains a photograph and fingerprints of the applicant; and

''(C) is in such form as the Secretary shall prescribe by regulation.

''(3)(A) Not later than 60 days after the date on which the Secretary receives an application under paragraph (2), the Secretary shall approve or deny the application. The Secretary shall approve an application submitted pursuant to paragraph (2) if the application meets the requirements of that paragraph.

''(B) If the Secretary fails to approve or deny an application submitted under paragraph (2) before the expiration of the 60-day period described in subparagraph (A), the applicant may bring an action under section 1361 of title 28 to compel the Secretary to either approve or deny the application in accordance with this subsection.

''(C) Upon approval of an application submitted under paragraph (2) by the Secretary and payment by the applicant of such fee as the Secretary shall establish to ensure that the fees collected under this subsection are sufficient to cover the costs of issuing licenses under this subsection, the Secretary shall issue to the applicant a license that, subject to this chapter and other applicable provisions of law, entitles the licensee to hold gun shows in interstate or foreign commerce during the 3-year period beginning on the date on which the license is issued.

''(4)(A) Before any person who is not licensed under this subsection may transfer any firearm at a gun show—

''(i) the person shall provide to the holder of the gun show written notice of—

''(I) the name, age, and address of the person and of the prospective transferee (or, in the case of a party who is a corporation or other business entity, the identity and principal and local places of business of such party);

''(II) the serial number, make, and model of the firearm; and

''(III) the date and location of the transfer; and

''(ii) the holder of a gun show shall comply with the requirements imposed on licensed dealers by section 922(t) and subsections (g)(1)(A) and (g)(3)(A) of this section with respect to the transfer.

''(B) Not later than 30 days after the end of a gun show for which a license is issued under this subsection, the licensee shall deliver to the Secretary all records or documents collected by the licensee pursuant to subparagraph (A) with respect to that gun show.

''(5) In this subsection, the term 'gun show' means an event or function that is—

''(A) sponsored by—

''(i) a national, State, or local organization devoted to the collection, competitive use, or other sporting use of firearms; or

''(ii) an organization or association that sponsors functions devoted to the collection, competitive use, or other sporting use of firearms in the community; and

''(B) held at a location—

''(i) that is not specified in any license issued under subsection (b) or (c);

''(ii) at which a firearm is offered for sale or transfer; and

''(iii) at which not less than 50 firearms are present, not less than 1 of which has been shipped or transported in interstate or foreign commerce.''.

(b) PENALTIES.—Section 924(a) of title 18, United States Code, is amended by adding at the end the following:

''(7)(A) Whoever knowingly violates section 923(m)(1) shall be fined under this title, imprisoned not more than 5 years, or both.

''(B) Whoever knowingly violates subparagraph (A)(i) or (B) of section 923(m)(4) shall be fined under this title, imprisoned not more than 1 year, or both.

''(C) Whoever violates section 923(m)(4)(A)(ii) by knowingly failing to comply with a provision of law specified in that section shall be punished as otherwise provided under this section for knowingly violating that provision of law.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to any conduct engaged in after the expiration of the 1-year period beginning on the date of enactment of this Act.●

By Mr. MCCONNELL:

S. 2528. A bill to direct the Commissioner of Social Security to establish a demonstration project to conduct outreach efforts to increase awareness of the availability of Medicare cost-sharing assistance to eligible low-income Medicare beneficiaries; to the Committee on Finance.

SOCIAL SECURITY ADMINISTRATION OUTREACH DEMONSTRATION

● Mr. MCCONNELL. Mr. President, since 1988, Congress has established three programs to provide low-income elderly and disabled individuals with Medicare cost-sharing assistance under Medicaid. Despite the availability of these dual-eligible programs, gaps in beneficiary knowledge and deficiencies in program administration by federal and state agencies have created persistent barriers to enrollment by eligible Medicare recipients.

For several years, the U.S. Department of Health and Human Services and the Social Security Administration have sought to educate seniors on the availability of Medicare cost-sharing programs through mass mailings, informational hotlines, and pamphlet distribution. While these initiatives have helped, a study by Families USA found that over three million low-income Medicare beneficiaries are not enrolled in any cost-sharing program. In Kentucky, the study estimates that the lack of information about and participation in Medicare cost-sharing programs cost more than 49,000 low-income Kentuckians about $25 million a year. In order to overcome these troubling blockades to enrollment, the U.S. Department of Health and Human Services,the Health Care Financing Administration and the Social Security Administration are studying options to more effectively serve our nation's financially vulnerable seniors and disabled.

A key aspect to improving participation in cost-sharing programs is the capacity for federal and state agencies to identify those who experience critical income shifts after their initial enrollment in Medicare and Social Security. One group at particular risk of reduced income in later life is widowed spouses.

For anyone who has lost a loved one, the experience is overwhelming both mentally and emotionally. The loss of a spouse, often after a long, intensive illness, leaves many elderly with the difficult task of restructuring their lives in order to regain personal and financial stability. At this critical time

of change, widowed spouses rely on their revised Social Security benefit as the foundation for their future budget planning. Statistics furnished by the Social Security Administration show that 40 percent of nonmarried women, a category which includes widows, rely on Social Security for 90 percent of their income in comparison to only 18 percent of married couples. In addition, nearly one-fourth of nonmarried women rely on Social Security as their sole source of income.

In an effort to focus federal and state agencies on the health and welfare needs of low-income, widowed spouses, I am introducing legislation for a research demonstration to identify potential dual eligibles during the recalculation of Social Security benefits for widowed spouses. The Social Security Administration would refer this information to the state administrators of Medicare cost-sharing programs for their followup.

Mr. President, I want to take this opportunity to thank Senator ARLEN SPECTER for including my request to fund this research effort by the Social Security Administration in the committee report to FY 1999 Labor, Health and Human Services, and Education Appropriations bill approved by the Senate Appropriations Committee in September. As the House and Senate work to complete the omnibus appropriations bill for FY 1999, I strongly urge my colleagues to include this research endeavor in the final measure as part of our commitment to improving the responsiveness of federal and state agencies to the health and welfare needs of our nation's at-risk seniors.●

By Mr. SPECTER:

S. 2530. A bill to designate certain lands in the Valley Forge National Historical Park as the Valley Forge National Cemetery, and for other purposes; to the Committee on Energy and Natural Resources.

VALLEY FORGE NATIONAL CEMETERY.

● Mr. SPECTER. Mr. President, today I introduce legislation creating a Valley Forge National Cemetery and calling on the Secretary of Veterans Affairs to determine the feasibility of a national cemetery in southwestern Pennsylvania.

This legislation specifically authorizes the Department of the Interior to transfer a portion of the Valley Forge National Historic Park to the Department of Veterans Affairs for establishment of a Valley Forge National Cemetery in Southeastern Pennsylvania. This new cemetery will be constructed and operated by the Department of Veterans Affairs' National Cemetery System (NCS). The NCS was established by Congress and approved by President Lincoln in 1862 to provide for the proper burial and registration of graves of Civil War soldiers. The NCS currently operates 115 cemeteries throughout the nation and in Puerto Rico. Since its establishment, the National Cemetery System has been fulfilling one of our nation's most solemn obligations; it has provided for the proper burial of our nation's veterans. This mission is perhaps more important today than it has been in the entire history of the NCS. The General Accounting Office (GAO) reported in a September 1997 report that the numbers of veteran deaths and interments performed by NCS continue to grow each year and are projected to peak between 2005 and 2010. This expected increase in workload has been reiterated by Mr. Roger Rapp, Acting Director of the National Cemetery System, at an April 29, 1998 hearing before the House Committee on Veterans' Affairs, Subcommittee on Benefits. According to Mr. Rapp, annual veteran deaths are expected to peak in 2008.

With the fifth largest 65 and older veteran population in the country, the Commonwealth of Pennsylvania faces many challenges in fulfilling the nation's solemn obligation to its deceased veterans and their families. Striving to meet these challenges, the NCS operates two Pennsylvania national cemeteries: Indiantown Gap National Cemetery and the Philadelphia National Cemetery. The Indiantown Gap National Cemetery is a 677-acre cemetery, which opened in 1982 and is expected to remain open until 2030 under estimated rates of interment. The Philadelphia National Cemetery opened in 1885 with 13 acres, reached casket capacity in 1962 and is expected to reach cremation capacity in 1999.

A Valley Forge National Cemetery would provide the Philadelphia area with new gravesites and alleviate the need for families to travel over two hours to the Indiantown Gap National Cemetery. I am informed that the land to be transferred to the Department of Veterans Affairs does not contain any historical markers and is a suitable site for such an important facility.

Also, there is no national cemetery in the southern or western parts of Pennsylvania, where the veteran population is heavy. In an effort to address the burial needs of these veterans, I have included a provision in the Senate legislation requiring the Secretary of Veterans Affairs to report to the House and Senate Committees on Veterans' Affairs within 90 days of enactment on the feasibility of establishing and operating a national cemetery in Southwestern Pennsylvania.

The House legislation, H.R. 4365, introduced by my good friend, Congressman JON FOX, is co-sponsored by the entire Pennsylvania delegation. I join my House colleagues in introducing this legislation for consideration in the Senate.●

ADDITIONAL COSPONSORS

S. 183

At the request of Mr. LAUTENBERG, his name was added as a cosponsor of S. 183, a bill to amend the Family and Medical Leave Act of 1993 to apply the act to a greater percentage of the United States workforce, and for other purposes.

S. 555

At the request of Mr. ALLARD, the name of the Senator from Indiana (Mr. LUGAR) was added as a cosponsor of S. 555, a bill to amend the Solid Waste Disposal Act to require that at least 85 percent of funds appropriated to the Environmental Protection Agency from the Leaking Underground Storage Tank Trust Fund be distributed to States to carry out cooperative agreements for undertaking corrective action and for enforcement of subtitle I of that Act.

S. 1045

At the request of Mr. DASCHLE, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 1045, a bill to prohibit discrimination in employment on the basis of genetic information, and for other purposes.

S. 1220

At the request of Mr. DODD, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 1220, a bill to provide a process for declassifying on an expedited basis certain documents relating to human rights abuses in Guatemala and Honduras.

S. 1868

At the request of Mr. NICKLES, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 1868, a bill to express United States foreign policy with respect to, and to strengthen United States advocacy on behalf of, individuals persecuted for their faith worldwide; to authorize United States actions in response to religious persecution worldwide; to establish an Ambassador at Large on International Religious Freedom within the Department of State, a Commission on International Religious Persecution, and a Special Adviser on International Religious Freedom within the National Security Council; and for other purposes.

S. 2205

At the request of Mr. DORGAN, the names of the Senator from Arkansas (Mr. BUMPERS), the Senator from North Dakota (Mr. CONRAD), the Senator from Washington (Mrs. MURRAY), the Senator from Washington (Mr. GORTON), the Senator from Nebraska (Mr. KERREY), the Senator from Illinois (Mr. DURBIN), the Senator from Massachusetts (Mr. KERRY), the Senator from Montana (Mr. BAUCUS), the Senator from Idaho (Mr. KEMPTHORNE), the Senator from Mississippi (Mr. COCHRAN), the Senator from Iowa (Mr. GRASSLEY), the Senator from Pennsylvania (Mr. SANTORUM), the Senator from New York (Mr. D'AMATO), the Senator from Michigan (Mr. ABRAHAM), the Senator from Louisiana (Ms. LANDRIEU), the Senator from Florida (Mr. GRAHAM), the Senator from Oregon (Mr. WYDEN), the Senator from Connecticut (Mr. DODD), the Senator from New Jersey (Mr. TORRICELLI), the Senator from

New Hampshire (Mr. GREGG), the Senator from West Virginia (Mr. ROCKEFELLER), the Senator from Minnesota (Mr. WELLSTONE), the Senator from New Jersey (Mr. LAUTENBERG), the Senator from Georgia (Mr. CLELAND), the Senator from Louisiana (Mr. BREAUX), the Senator from New Mexico (Mr. BINGAMAN), the Senator from Rhode Island (Mr. CHAFEE), the Senator from Kentucky (Mr. FORD), the Senator from Hawaii (Mr. INOUYE), the Senator from Delaware (Mr. BIDEN), the Senator from Rhode Island (Mr. REED), and the Senator from Illinois (Ms. MOSELEY-BRAUN) were added as cosponsors of S. 2205, a bill to require the Secretary of the Treasury to mint coins in commemoration of the bicentennial of the Lewis & Clark Expedition, and for other purposes.

S. 2222

At the request of Mr. GRASSLEY, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 2222, a bill to amend title XVIII of the Social Security Act to repeal the financial limitation on rehabilitation services under part B of the Medicare Program.

S. 2235

At the request of Mr. CAMPBELL, the names of the Senator from Illinois (Ms. MOSELEY-BRAUN) and the Senator from Rhode Island (Mr. CHAFEE) were added as cosponsors of S. 2235, a bill to amend part Q of the Omnibus Crime Control and Safe Streets Act of 1968 to encourage the use of school resource officers.

S. 2263

At the request of Mr. LAUTENBERG, his name was added as a cosponsor of S. 2263, a bill to amend the Public Health Service Act to provide for the expansion, intensification, and coordination of the activities of the National Institutes of Health with respect to research on autism.

S. 2366

At the request of Mr. JOHNSON, the name of the Senator from Minnesota (Mr. WELLSTONE) was added as a cosponsor of S. 2366, a bill to amend the Internal Revenue Code of 1986 to provide that housing assistance provided under the Native American Housing Assistance and Self-Determination Act of 1996 shall be treated for purposes of the low-income housing credit in the same manner as comparable assistance.

S. 2432

At the request of Mr. JEFFORDS, the names of the Senator from Nevada (Mr. REID) and the Senator from Mississippi (Mr. COCHRAN) were added as cosponsors of S. 2432, a bill to support programs of grants to States to address the assistive technology needs of individuals with disabilities, and for other purposes.

S. 2476

At the request of Mr. ABRAHAM, the names of the Senator from North Carolina (Mr. HELMS) the Senator from Minnesota (Mr. WELLSTONE), and the Senator from Delaware (Mr. ROTH) were added as cosponsors of S. 2476, a bill for the relief of Wei Jengsheng.

SENATE JOINT RESOLUTION 56

At the request of Mr. GRASSLEY, the names of the Senator from Ohio (Mr. DEWINE), the Senator from New Hampshire (Mr. GREGG), the Senator from North Carolina (Mr. HELMS), and the Senator from Georgia (Mr. CLELAND) were added as cosponsors of Senate Joint Resolution 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.

SENATE CONCURRENT RESOLUTION 83

At the request of Mr. WARNER, the names of the Senator from Arkansas (Mr. HUTCHINSON), the Senator from Colorado (Mr. ALLARD), the Senator from Rhode Island (Mr. CHAFEE), and the Senator from Michigan (Mr. ABRAHAM) were added as cosponsors of Senate Concurrent Resolution 83, a concurrent resolution remembering the life of George Washington and his contributions to the Nation.

SENATE CONCURRENT RESOLUTION 84

At the request of Mr. KEMPTHORNE, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of Senate Concurrent Resolution 84, a concurrent resolution expressing the sense of Congress that the Government of Costa Rica should take steps to protect the lives of property owners in Costa Rica, and for other purposes.

SENATE RESOLUTION 257

At the request of Mr. MURKOWSKI, the names of the Senator from Missouri (Mr. BOND), the Senator from Georgia (Mr. COVERDELL), the Senator from Minnesota (Mr. GRAMS), the Senator from California (Mrs. BOXER), and the Senator from Maryland (Mr. SARBANES) were added as cosponsors of Senate Resolution 257, a resolution expressing the sense of the Senate that October 15, 1998, should be designated as ''National Inhalant Abuse Awareness Day.''

SENATE RESOLUTION 260

At the request of Mr. GRAHAM, the names of the Senator from Georgia (Mr. CLELAND), the Senator from Washington (Mr. GORTON), the Senator from South Dakota (Mr. DASCHLE), and the Senator from West Virginia (Mr. ROCKEFELLER) 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 274

At the request of Mr. FORD, the names of the Senator from Georgia (Mr. CLELAND) and the Senator from Hawaii (Mr. INOUYE) were added as cosponsors of Senate Resolution 274, a resolution to express the sense of the Senate that the Louisville Festival of Faiths should be commended and should serve as model for similar festivals in other communities throughout the United States.

SENATE CONCURRENT RESOLUTION 121—EXPRESSING THE SENSE OF CONGRESS THAT THE PRESIDENT SHOULD TAKE ALL NECESSARY MEASURES TO RESPOND TO THE INCREASE IN STEEL IMPORTS

Mr. SPECTER (for himself, Mr. HOLLINGS, Mr. MOYNIHAN, Mr. SANTORUM, Mr. FORD, Mr. D'AMATO, Mr. HATCH, Ms. MIKULSKI, Mr. BENNETT, Mr. SESSIONS, Mr. HUTCHINSON, Mr. BYRD, Mr. SARBANES, Mr. ROCKEFELLER, Mr. COATS, and Mr. LEVIN) submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations.

S. CON. RES. 121

Whereas the current financial crises in Asia, the independent States of the former Soviet Union (as defined in section 3 of the FREEDOM Support Act), Russia, and other areas of the world, involve significant depreciation in the currencies of several key steel-producing and steel-consuming countries, along with a collapse in the domestic demand for steel in the countries;

Whereas the crises have generated and will continue to generate increases in United States imports of steel, both from the countries whose currencies have been depreciated and from other Asian steel-producing countries that are no longer able to export steel to the countries that are experiencing an economic crisis;

Whereas United States imports of finished steel mill products from Asian steel-producing countries, such as the People's Republic of China, Japan, Korea, India, Taiwan, Indonesia, Thailand, and Malaysia, increased by 79 percent in the first 5 months of 1998;

Whereas year-to-date imports of steel from Russia now exceed the record import levels of 1997, and steel imports from Russia and the Ukraine now approach 2,500,000 net tons;

Whereas foreign government trade restrictions and private restraints of trade distort international trade and investment patterns and result in burdens on United States commerce, including absorption of a disproportionate share of steel diverted from other countries;

Whereas the European Union, for example, despite also being a major economy, in 1997 imported only one-tenth as much finished steel products from Asian steel-producing countries as the United States did and has restricted imports of steel from the independent states of the former Soviet Union and Russia;

Whereas the United States is simultaneously facing a substantial increase in steel imports from the independent states of the former Soviet Union and Russia, caused in part by the closure of Asian markets to steel imports; and

Whereas there is a well recognized need for improvement in the enforcement of the United States trade laws to provide an effective response to situations of such increased imports: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress calls upon the President to—

(1) pursue enhanced enforcement of the United States trade laws with respect to the increase in steel imports into the United States, using all remedies available under United States laws including imposition of offsetting duties, quantitative restrictions, and other appropriate remedial measures;

(2) pursue with all methods at the President's disposal to achieve a more equitable sharing of the burden of accepting imports of finished steel products from Asia and the

independent states of the former Soviet Union;

(3) establish a task force within the executive branch that has responsibility for closely monitoring imports of steel into the United States; and

(4) report to Congress not later than January 5, 1999, with a comprehensive plan for responding to the increase in steel imports, including ways of limiting the deleterious effects on employment, prices, and investment in the United States steel industry.

Mr. SPECTER. Mr. President, I have sought recognition today to offer a bipartisan Senate concurrent resolution addressing the current steel import crisis, which has been brought about due to the Asian and Russian financial crisis.

On Thursday, September 10, 1998, as chairman of the Senate Steel Caucus, I joined Congressman REGULA in convening a joint meeting of the Senate and House Steel Caucus with executives from a number of the nation's largest steel manufacturers and members of the United Steelworkers of America to learn more about the current influx of imported steel into the United States. At that meeting, I expressed my profound concern regarding the impact of our steel companies and steelworkers of the current financial crisis in Asia and Russia, which have generated surges in U.S. imports of Asian and Russian steel.

According to the American Iron and Steel Institute (AISI), the past three months have been the highest monthly import volumes in U.S. history and, with Asia and Russia in economic crisis and with other major industrial nations not accepting their fair share of the adjustment burden, U.S. steel companies and employees are being damaged by this injurious unfair trade.

As Hank Barnette, Chief Executive Officer of Bethlehem Steel, wrote in an August 6, 1998 op-ed in the Washington Times, the United States has become the dumping ground for foreign steel. He noted that Russia has become the world's number one steel exporting nation and that China is now the world's number one steel-producing nation, which enormous subsidies to foreign steel producers have continued. As one example, Mr. Barnette cited the Commerce Department's recent revelation that Russia, one of the world's least efficient producers, was selling steel plate in the United States at more than 50 percent, or $110 per ton, below the constructed cost to make plate steel, which ultimately costs our steel companies in lost sales and results in fewer jobs for American workers.

Specifically, in the first half of 1998, total U.S. steel imports were 18.2 million net tons, which is a 12.4 percent increase over 1997's record level of 16.2 million tons for the same period. For the month of June 1998, total U.S. imports of steel mill products totaled over 3.7 million net tons, which is up 39.2 percent from June, 1997 level of 2.6 million net tons. In June 1998, U.S. imports of finished steel imports were a record 3 million net tons, a 41.6 percent increase over the June 1997 2.1 million net tons.

Also in the first half of 1998, compared to the same period in 1997, steel imports from Japan are up 114 percent, steel imports from Korea are up 90 percent, and imports from Indonesia are up 309 percent. Most significantly, the U.S. steel industry currently employs 163,000 people down from 500,000 people in the 1980's. This situation is untenable for the American steelworkers, steel manufacturers, their customers, and the American people in general.

I believe that the growing coalition of steel manufacturers, and Congress must work together to remedy this import crisis before it is too late and the U.S. steel industry is forced to endure an excruciatingly painful economic downturn. We have many of the tools we need at our disposal to protect our steel industry from unfair and illegally dumped steel, and we must act now. At the caucus meeting, I noted my intention to once again seek enactment of my longstanding proposal to establish a private legal right of action for aggrieved steel companies and steelworkers where they can prove harm caused by illegal dumping of foreign goods.

This resolution calls on the President to take all necessary measures to respond to the surge of steel imports resulting from the Asian and Russian financial crisis. Specifically, the attached resolution calls on the President to: pursue enhanced enforcement of the U.S. trade laws, pursue all tools available to ensure that other nations accept a more equitable sharing of these steel imports; establish a task force to closely monitor U.S.imports of steel, and, report to Congress by January 5, 1999, on a comprehensive plan to respond to this surge of steel imports.

The U.S. steel industry has become a world class industry with a very high-quality product. This has been achieved at a great cost: $50 billion in new investment to restructure and modernize; 40 million tons of capacity taken out of the industry; and a work force dramatically downsized from 500,000 to 170,000. This resolution is essential to respond promptly to the current steel import crisis and prevent the loss of thousands of high-paying jobs in the steel industry. For these reasons, I urge my colleagues to join me in supporting adoption of this resolution.

Mr. BYRD. Mr. President, I am pleased to be a cosponsor of the Senate Concurrent Resolution offered by the Senator from Pennsylvania, Senator SPECTER. In brief, the resolution calls for action by the U.S. government on several fronts to address the steel import crisis. More importantly, it reassures the U.S. steel industry, and steel workers, that the United States Congress is concerned about the state of the steel industry and is committed to ensuring that a fair trade policy prevails.

The aim of this resolution is straightforward: to respond to the import crisis affecting the domestic steel industry. In this regard, the Senate Concurrent Resolution calls for enforcement of U.S. trade laws, equitable sharing of steel import surpluses, the establishment of a task force to monitor U.S. imports of steel, and a report from the President with a plan to respond to the surge of steel imports.

Senator SPECTER's resolution is a companion to H. Con Res. 328. The resolution is supported by the leadership of the Senate Steel Caucus and it is endorsed by the domestic steel industry.

For those not familiar with the steel import crisis, as the markets have struggled in Asia, Russia, and other regions of the world, and the purchasing power evaporates within these countries' borders, foreign steel producers are diverting record levels of steel products from stalling economies into the United States. Desperate to find hard currency, our trading partners are flooding the U.S. market with imported steel that is creating a glut that is placing thousands of U.S. steel jobs at risk. This is a looming crisis that could have a domino effect, which may jeopardize the security of families across the nation and the communities in which they live.

Regrettably, the impact of current trade and capital flow throughout the so-called modern global economy is becoming a familiar story. The effects of far-flung economic trouble not only play havoc with the U.S. steel industry, but also ripple through the auto industry, the farming industry, and a host of other domestic industries.

Live and let live? Is that the appropriate U.S. reaction to this crisis?

Through the International Monetary Fund, the United States reacts to the crises of our trading partners overseas with generous participation in bailout programs. We have risen to the occasion many times to help other nations facing grave economic dilemmas. But, can we afford to continue to help if our trading partners thank us by attempting to export their way out of their crises at the expense of the U.S. economy?

I would like to share one sentiment expressed to me about this situation in a letter by Mr. Jim Bowen, President of the West Virginia AFL–CIO: ''Working Americans have always generously helped out those in need, but they can't be expected to do so by sacrificing their jobs and their families' security.'' And hear the words of Mr. Stephen Parks, a manager with Ameristeel in St. Albans, West Virginia: ''We are cost-competitive with the best in the world. But we cannot compete fairly with foreign economies driven by the impetus to export their own unemployment through subsidization or which export solely for the purpose of acquiring tradeable currency at any cost.''

Many of my colleagues have recently urged action on behalf of the nation's farmers. I certainly sympathize with the problems facing American farmers

whose overseas markets have been adversely affected by these same economic downturns. This is no less a crisis, and, equally, deserves swift and sure action by the Congress. As this Congress begins the serious business of examining the international financial crisis, and formulating the appropriate U.S. response, the measures called for in this resolution are simple logic. After hearing the words of managers and workers in the U.S. steel industry, I believe that this resolution might also accomplish another worthy goal: restoring the confidence in our international trade agenda.

Let us be realistic. This international steel crisis did not occur overnight. In fact, the crisis is in part a result of decades-long government-sponsored illegal subsidies by our trading partners that this nation has not aggressively sought to correct. These subsidies have kept too many steel producers around the world eagerly fostering overcapacity because of unfair competitive advantages. Now, not only are the steel producers in Asia, Russia, and other parts of the world suffering, but so are American steel workers, who have played fair, and trusted our trade enforcement mechanisms.

As called for in the resolution being submitted today, we must move forward with the full and timely enforcement of our trade laws. We must do that before any serious thought is given to the adoption of trade measures to liberalize trade with additional nations not currently on the books. Existing trade agreements must be enforced and the long-term implications of these agreements must be understood. I hope that the responsible government trade officials share my concern.

I understand that the United States Trade Representative, Charlene Barshefsky, met with steel industry representatives in early September and, while I was unable to attend that meeting, I am advised that in her press release the Ambassador reaffirmed the Administration's ''commitment to strong U.S. trade laws designed to prevent injury to U.S. industry and workers from unfair trade practices and from import surges, and to the expeditious and effective enforcement of these laws.'' I was pleased to learn of these encouraging words from the Ambassador, and I hope that she will be successful in carrying out this agenda.

In this regard, I believe that this Congress should assist USTR in moving this agenda forward. Let us help the Ambassador by stating clearly to our trading partners the Congress' stance on this matter. I am confident that Ambassador Barshefsky intends to negotiate the deal of all deals. In good faith, she intends to negotiate a global free trade paradise where all can compete on a level and transparent playing field.

Unfortunately, I have heard that very intent voiced many times by U.S. and foreign negotiators—and so have the U.S. steel workers. They heard it in 1974, during the Tokyo Round of the General Agreement on Tariff and Trade (GATT). That agreement cost this country hundreds of thousands of steel jobs. Many listeners may remember the result that deal had on Allentown. Well, I also remember Clarksburg, Wheeling, and Weirton, West Virginia, all losers in that trade agreement.

The U.S. steel industry has stuck it out, and U.S. steel producers did what the new 1974 trade rules said to do: restructure and modernize, and become the most efficient producers of steel in the world. The deal struck in that agreement was that the industry was to accomplish this restructuring and modernization and, then, the government would ensure that there would be a level global playing field on which to compete.

However, today, over 20 years later, the U.S. steel industry continues to face unfair trade practices from every corner of the world. In the global free trade garden of paradise, apparently, some players keep eating off the forbidden subsidy tree, because the so-called paradise is a pretty shabby place for U.S. workers.

In closing, I want to address the Constitutional component of supporting this resolution. This debate is a good place for Congress to reflect the myths and the realities of our current trade policies. It is time that the Congress takes seriously its constitutional role in the regulation of foreign commerce. The Constitution vests the Congress with the power ''to regulate commerce with foreign nations.'' It is the task of Congress to understand the benefits and risks of global trade, but to promote only trade policies that are fair to all Americans, whether they be steel or auto workers, farmers, or bankers.

I urge my colleagues to support the important steel resolution offered by Senator SPECTER. Regulation of foreign commerce is the Constitutional responsibility of Congress. It will assist the USTR in negotiating firm agreements. It will help restore the confidence of American workers in U.S. trade policy. I urge my colleagues to support this resolution.

AMENDMENTS SUBMITTED

INTERNET TAX FREEDOM ACT

HUTCHINSON AMENDMENT NO. 3671

(Ordered to lie on the table.)

Mr. HUTCHINSON submitted an amendment intended to be proposed by him to the bill (S. 442) to establish a national policy against State and local government interference with interstate commerce on the Internet or interactive computer services, and to exercise Congressional jurisdiction over interstate commerce by establishing a moratorium on the imposition of exactions that would interfere with the free flow of commerce via the Internet, and for other purposes; as follows:

In section 102(a)(1), strike ''16'' and insert ''18''.

In section 102(b)(1), add at the end the following:

(D) Two representatives from among individuals who are the heads of business entities that do not engage in electronic commerce, of whom—

(i) one shall be appointed by the Majority Leader of the Senate after consultation with the Minority Leader of the Senate; and

(ii) one shall be appointed by the Speaker of the House of Representatives after consultation with the Minority Leader of the House of Representatives.

In section 102(g)(2)—

(1) strike ''and'' at the end of subparagraph (D);

(2) strike the period at the end of subparagraph (E) and insert ''; and''; and

(3) add at the end the following:

(F) an examination of the effects of taxation of transactions using the Internet, and of the absence of taxation of such transactions, on businesses that do not engage in electronic commerce.

NOTICE OF HEARING

COMMITTEE ON RULES AND ADMINISTRATION

Mr. WARNER. Mr. President, I wish to announce that the Committee on Rules and Administration will meet on Thursday, October 1, 1998, at 10:30 a.m. in room SR–301 Russell Senate Office Building, to receive testimony on Capitol security issues. It is the chairman's intention that the committee vote to conduct this meeting in closed session.

For further information concerning this meeting, please contact Ed Edens at the Rules Committee on 4–6678.

ADDITIONAL STATEMENTS

VARIOUS ENVIRONMENTAL RIDERS CONTAINED IN THE FY 99 INTERIOR APPROPRIATIONS LEGISLATION

• Mr. FEINGOLD. Mr. President, I rise today to support the Senior Senator from Montana (Mr. BAUCUS) in his efforts to describe some of the provisions of concern that were attached to the Interior Appropriations legislation, the fate of which is now uncertain. I hope that all the provisions that will harm the environment, impede the enforcement of environmental law, or weaken federal environmental policy, will be removed from this legislation if it either returns to the floor or is incorporated in a broader appropriations bill.

This is not the first time that I have supported the Senior Senator from Montana in his efforts to address environmentally harmful legislative riders in appropriations legislation. In September 1995, I joined in his efforts to mitigate the effects of riders in the FY 96 VA-HUD appropriations legislation regarding the operations of the U.S. Environmental Protection Agency.

Once again, I applaud his leadership in championing the protection of the environment.

Mr. President, for more than two decades, we have seen a remarkable bipartisan consensus on protecting the environment. As a consequence of this broad agreement, today we breathe cleaner air, drink cleaner water, and enjoy spectacular public lands.

Unfortunately, again during this Congress, we have faced numerous proposals to modify the environmental protections upon which American families depend. We have seen bills that would undermine the Wilderness Act and the management of our public lands, block implementation of the Endangered Species Act, rollback wetlands standards and weaken enforcement of clean water laws, and slow down or stop cleanup of hazardous waste sites. Congressional consideration of these proposals has been divisive, time-consuming, and ultimately unproductive.

Mr. President, I believe we have a responsibility to the American people to protect the quality of our public lands and resources. That responsibility of stewardship requires that I oppose legislative efforts to include proposals in routine spending bills that weaken environmental laws or prevent potentially beneficial environmental regulations from being promulgated by the federal agencies that carry out federal law.

In addition to my substantive concerns, Mr. President, I also share with the Senator from Montana a procedural concern about these riders. The people of Wisconsin have been calling my office in the last few weeks to express their grave concern that when riders are placed in spending bills major decisions regarding environmental protection are being made without the benefit of an up or down vote. Wisconsinites have very strong views that Congress has a responsibility to discuss and publicly debate matters effecting the environment. Thus, the Senior Senator from Montana is making an important procedural point for the Senate. We should be on record with regard to our position on this matter of open government and environmental stewardship.

Though I have substantive concerns about all of the riders that the Senior Senator from Montana has detailed, and others, I wanted to share my concerns by highlighting in detail a few riders contained in the Interior Appropriations legislation.

I am concerned about the language on forest road decommissioning that is contained in Title II of the Interior bill. This language prohibits the use of funds to decommission National Forest System roads until the Regional Forester certifies that all ''unauthorized'' roads are decommissioned or reconstructed. Mr. President, this mandate simply does not recognize that maintaining existing roads is a priority both in Wisconsin's national forests and throughout Forest Service Region 9. Our existing road system in the Nicolet and Chequamegon National Forests not only serves those who visit our forests, but also serves our local communities. Forest Service roads are important routes between communities in the northern part of my state. I also travel them when I attend Listening SESSIONS and other events in northern Wisconsin. I am concerned that if our forests have to spend time documenting all unauthorized roads this fiscal year, such as snowmobile crossings and other rights of way, we will neither get to accomplish any needed decomissioning, nor any much needed maintenance.

I also oppose the rider regarding logging in Tongass National Forest contained in the Interior bill. While Wisconsin's national forests have struggled to bring their timber sales above cost, I am concerned that this rider requires that the Forest Service offer for sale, and allow the logging of, ninety percent of the timber volume proposed by the Tongass Land Management Plan, a plan which is currently under appeal to the Secretary of Agriculture. Moreover, this rider contains a dangerous, precedent-setting provision that makes this requirement legally enforceable. I strongly believe that taxpayers should be getting a better return for the sale of timber from public lands, and I am concerned about increasing cut volumes when we still need to address below cost issues on the Tongass.

These are a few of my concerns, Mr. President. I believe that the Senate should act to strip these riders from the bill and send clean Interior funding provisions to the President for his signature. I encourage my colleagues to take the advice of the Senior Senator from Montana, and act to fund the programs we must fund without taking environmental policy actions that the public opposes.●

ACTIVATION OF THE MONTANA GUARD CAVALRY TROOP, THE BLACKHORSE UNIT

● Mr. BURNS. Mr. President, I stand here today to recognize the beginning of a new era for the Montana Army National Guard. Activation of the Montana Guard Cavalry Troop, also known as the Blackhorse unit, will commence on October 3, 1998. This will be an integrated cavalry troop that is part of a regiment whose distinguished history dates back to the turn of the century.

The Blackhorse is currently one of only three armored cavalry regiments in the United States Army. The mission of this regiment is to train Army units for the next possible war and does so by challenging those units in real life scenarios to meet the test of active warfare. The Blackhorse unit is considered the most highly trained unit in the United States Army. The Montana Army National Guard is both honored and privileged to join the Blackhorse unit as an equal partner.

The Montana Army National Guard must be prepared to meet the challenges of what the future may hold. Now affiliated with the Blackhorse unit, the men and the women of Montana who serve to protect our nation, will be ready.●

CONGRATULATIONS TO SENATOR ROTH

● Mr. BIDEN. Mr. President, I rise to take just a minute of the Senate's time to let my colleagues know of an honor that Senator ROTH received from the Delaware Chapter of the Multiple Sclerosis Society.

In a gala event last night in Wilmington, Delaware, Senator ROTH was honored for his achievements as a legislator and for his outstanding contributions to Delaware and to the nation. This was the Multiple Sclerosis Society's first-ever Dinner of Champions, and it is quite an honor for Senator ROTH to be one of the first two individuals recognized by the organization.

The other individual recognized last evening was Richard Christopher, the President of Patterson-Schwartz Real Estate. He and his company have been sponsors of and participants in the Bike-to-the-Bay fundraising event. The DuPont Company also received an award for its decade-long support of the popular Read-a-thon program. Senator ROTH was in excellent company last night.

And, fortunately, he was able to be there and accept the award in person. That is, Mr. President, one of the advantages of representing a State that is close to Washington. Senator ROTH could both vote here in the Senate and still get back to Wilmington in time to receive the award. I know that was important to him.

I thank my colleagues for allowing me to take this brief time. And, I congratulate Senator ROTH on his award.●

SECURITY AT GASEOUS DIFFUSION PLANT

● Mr. MCCONNELL. Mr. President, I have come to the floor to clarify an issue regarding the security at the two uranium enrichment facilities. Section 310 of the conference report which deals with the allocation between the Department and the private corporation leasing the gaseous diffusion plants of the cost of arming and providing arrest authority to security police officers at the plants. I want to make it very clear that this section does not affect the current responsibility of the Department to pay for security for the Department's highly enriched uranium activities.

Mr. President, I would like to take a moment to thank the officials with the Department of Energy and the officials from the newly privatized United States Enrichment Corporation who sat down with my office and negotiated in good faith a solution to this difficult

matter. I am pleased to have an agreement once and for all.●

THE YEAR 2000 INFORMATION AND READINESS DISCLOSURE ACT

● Mr. MOYNIHAN. Mr. President, I was delighted to see that the Senate passed S. 2392 (''The Year 2000 Information and Readiness Disclosure Act'') yesterday. I introduced this legislation with Senators ROBERT F. BENNETT (R-UT) and CHRISTOPHER J. DODD (D-CT) on July 30, 1998. This ''Good Samaritan'' legislation is intended to promote the open sharing of information about Y2K solutions by protecting those who share information in good faith from liability claims based on the dissemination of that information. I want to make it clear that this legislation does not address liability that may arise separately from actual Y2K failures of systems or devices. The head of the President's Council on Y2K, John Koskinen, said that passing this bill is one of the most important things that we could do on the Y2K front. I agree.

Over two years ago I stated ''that the year 2000 problem is indeed serious, and that fixing it will be costly and time-consuming. The problem deserves the careful and coordinated attention of the Federal Government, as well as the private sector, in order to avert major disruptions on January 1, 2000.'' On July 31, 1996 I sent President Clinton a letter expressing my views and concerns about Y2K. I warned him of the ''extreme negative economic consequences of the Y2K Time Bomb,'' and suggested that ''a presidential aide be appointed to take responsibility for assuring that all Federal Agencies, including the military, be Y2K compliant by January 1, 1999 [leaving a year for 'testing'] and that all commercial and industrial firms doing business with the federal government must also be compliant by that date.''

January 1, 1999 is quickly approaching. I believe the ''Good Samaritan'' legislation that my colleagues passed last night will play a significant role in helping private firms and the government in addressing the computer problem. I am hopeful that we will have this problem in check come the year 2000, but, as the Duke said of Waterloo, it will be ''close run thing.''●

TRIBUTE TO THE UNITED STATES NAVY FOR SWISSAIR 111 RECOVERY EFFORTS

● Mr. WARNER. Mr. President, I rise today to recognize the U.S. Navy for their initial efforts in search and recovery operations in the wake of the SwissAir Flight 111 tragedy.

At the request of the Canadian government, the U.S. Navy sent the Hampton Roads-based Rescue and Salvage Ship USS GRAPPLE and members of Mobile Diving and Salvage Unit Two to assist our friends and neighbors in this operation. The ship, commanded by Lieutenant Commander David E. Davis, has a lifting capability of 300 tons and employs the latest high technology sonar and diving equipment. This enables her to conduct diving operations up to 190 feet beneath the ocean's surface.

Specifically, I'd like to commend the men and women who are carrying out this important mission. These sailors are highly-trained professionals who have experience in handling challenging and dangerous diving operations. Some of the team members worked with the TWA Flight 800 recovery and can draw upon those experiences. Although the circumstances that sent GRAPPLE and our sailors to Nova Scotia are tragic and unusual, the teamwork of our Navy and that of Canada has been fostered for many years. This allows us to work together effectively in such times of crisis. It is our hope that the efforts of GRAPPLE and Mobile Diving and Salvage Unit Two will help provide comfort and closure to those people who lost loved ones in this accident.

Mr. President, please join me in recognizing the significant contribution of America's high-tech Navy and brave sailors.●

RECOGNITION OF THE 75TH ANNIVERSARY OF THE TRAVELERS AID SOCIETY OF DETROIT

● Mr. LEVIN. Mr. President, I rise today to recognize the Travelers Aid Society of Detroit, which is celebrating its 75th Anniversary on October 15, 1998. Travelers Aid has been an important part of Metropolitan Detroit's network of community service organizations since its inception in 1923.

Travelers Aid was first created as an arm of the YWCA to assist young women who had recently settled in Detroit. In 1923, as the City of Detroit was growing by leaps and bounds, the Travelers Aid Society of Detroit was chartered as an independent institution to serve people who became stranded or lost. Since its chartering as an independent institution, Travelers Aid has broadened its activities from its original mandate to include assisting men and women, the homeless, runaway youths, victims of domestic violence, children traveling alone, the physically challenged and travelers at Detroit Metropolitan Airport. Travelers Aid has developed innovative programs, like Homeward Bound and the Supportive Housing Opportunities Program, which have helped thousands of people recover from homelessness. Each year, Detroit Metropolitan Airport, Travelers Aid helps 250 runaway children find their way back home and introduces 150 adopted babies from foreign lands to their new American families. Along with the City of Detroit and the Lovelight Foundation, Travelers Aid sponsors the annual ''A Special Gift'' Christmas party for 2,500 homeless children at Detroit's Cobo Hall.

On October 15, 1998, many people from my hometown will join together at the historic Wayne County Building to celebrate Travelers Aid's 75 years of service to the community. This celebration is being chaired by N. Brewster Broder, with the assistance of Honorary Chair Nettie Seabrooks and Honorary Co-Chairs Charlie Williams and Larry Givens. Community Service awards will be given to four outstanding individuals whose commitment to improving their community is truly inspiring. The award recipients are Aaliyah, an Oscar nominated recording artist; Delphine Fairbanks, a tireless volunteer at Detroit Metropolitan Airport; Geneva Williams, COO of United Way Community Services; and William McKenzie of Michigan Rehabilitation Service.

Mr. President, the men and women of the Travelers Aid Society of Detroit exemplify so many of the qualities that make our country great. Their dedication to their community, compassion for those in need and innovative problem-solving skills affect the lives of tens of thousands of people each year. I invite my colleagues to join me in expressing gratitude to the Travelers Aid Society of Detroit for the important services they have provided for the past 75 years, and in offering congratulations to the four Community Service Award recipients on this special occasion.●

ACCOMPLISHMENTS OF MR. S. W. ''MEL'' MELIDOSIAN

● Mr. SPECTER. Mr. President, today Mr. S.W. ''Mel'' Melidosian is being recognized for his distinguished service in the Department of Veterans Affairs Regional Office and Insurance Center in Philadelphia, the place where much of his illustrious career has taken place. After an astounding 57 years of devoted service to our nation, this remarkable man continues to serve veterans and their families. I am certain that this august body will join me in commending Mr. Melidosian on this special day.

Mr. Melidosian's service began in the Armed Services during World War II. From 1941 to 1946, he served as a U.S. Army Ordinance Management Officer at the European Theater Headquarters and on the faculty of the Ordnance School. From 1951 to 1953, he served at the U.S. Army Logistics Command, Korea and at the U.S. Army Frankford Arsenal.

He began serving veterans at the Veterans Administration (now the Department of Veterans Affairs) in 1946 in the Insurance Service but was recalled to active duty in Korea. In 1953, he resumed his VA job and in 1959, he was appointed Deputy Chief Insurance Director. From 1961 to 1984, he served as Director of the VA Regional Office and Insurance Center in Philadelphia, where he was instrumental in the installation of VA's first computer system for the Life Insurance Programs; consolidation of VA Regional Offices and Insurance Offices; creation of the

Executive Program ''Leadership VA''; and test site development of the VA Compensation & Pension on-line computer system ''TARGET.''

Mr. Melidosian has received many awards, including the Presidential Rank Award of ''Distinguished Executive.'' He has been continually active in the government and the community as a lecturer and chairman or member of numerous boards and commissions.

I extend my best wishes to Mr. Melidosian for his service to our Nation's veterans and for his continued health.●

JON BROSCIOUS: A WELL-EARNED RETIREMENT AFTER A CAREER OF LOOKING AFTER AMTRAK'S GREATEST ASSETS

● Mr. BIDEN. Mr. President, after this week, someone very special will be missing from my morning commute from Wilmington. Jon Broscious, one of the Amtrak conductors who has been riding the trains with me for the past 25 years, is beginning a well-earned retirement. The mornings will not be the same without him.

Jon is one of those individuals—like so many of the conductors, baggage handlers, flagmen, and attendants I have known who have worked so hard to maintain Amtrak's excellent reputation as an efficient and user-friendly service—who takes a great deal of pride in his work, making the care and comfort of his passengers always his first priority. These are men and women who have long understood that Amtrak's greatest assets are neither its miles of track nor its extensive rolling stock, but the good will of the thousands of Americans who depend upon rail transportation to get to work, to visit their loved ones, and to expand their horizons. For many years, Jon Broscious has earned the good will of countless passengers, some of whom—like myself—see him every day, and others for whom his conscientious service is their one and only contact with America's rail system. He has treated each and every one—whether in club car or in coach—as a first-class passenger. His example is one which all of us would do well to follow.

During the twenty-five years that I have been sharing my mornings with Jon, we have learned a great deal about one another's lives and families. He has heard all about my children as they grew up, began to face the challenges of adulthood, embarked on their own careers, and gave me the joy of being a grandfather. And I shared Jon's pride as his son passed the bar and set up his practice in Virginia; anguished with him throughout his son's battle with cancer; and shared his joy when the disease was finally conquered. I'll never forget the time that Jon and his whole family, including his grandchildren, visited with me in my office here in Washington. Though it was my first meeting with many of them, I felt like I knew each one well because Jon had spoken of them so often.

Jon and his family have a great many plans for his well-deserved retirement. He has earned the comfort and happiness that he brought to so many others over the years. Along with his colleagues and the many others who ride the trains each morning, I wish him all the best.

But the mornings will never be the same. I'll miss you, Jon.●

TRIBUTE TO PAUL A. DRAZEK

● Mr. LUGAR. Mr. President, I rise today to pay tribute to Paul Drazek, a distinguished public servant, who is retiring from the U.S. Department of Agriculture. Paul has served as the Special Assistant for International Affairs to Secretary of Agriculture Dan Glickman for the past three and one-half years. Spending the past twenty-five years in international trade, both in government and the private sector, Paul has advanced agricultural trade policy and opened important and essential new markets to America's farmers and ranchers.

Paul Drazek came by his love for agriculture naturally, with both of his grandparents running farms in upstate New York. At an early age he chose to use his intellect and energies to help one of our most export dependant industries find and expand market opportunities. To prepare him for his life's mission, Paul furthered his knowledge in agriculture by receiving a degree in Agricultural and Resource Economics from the University of Maryland.

Mr. Drazek began his career with the U.S. Department of Agriculture's Foreign Agricultural Service, serving fourteen years as a trade policy and marketing specialist. During that time he served four years as an agricultural negotiator for the U.S. delegation to the Tokyo Round of multilateral trade negotiations in Geneva, Switzerland, and as the Agricultural Attache in our Embassy in Mexico City, Mexico.

Prior to joining the Department of Agriculture as Special Assistant to the Secretary, Mr. Drazek served as Director of Government Relations for the American Farm Bureau Federation for ten years. He specialized in international affairs and legislative issues affecting U.S. agricultural trade. In that capacity, Mr. Drazek gained a familiarity with the political and economic sensitivities that shape farm and trade policies around the world. He also provided essential private sector input to the Uruguay Round of the World Trade Organization (WTO) and the North American Free Trade Agreement (NAFTA).

Paul has spent the last three years at the U.S. Department of Agriculture representing American agricultural interests overseas opening and expanding new markets for our farmers and ranchers. Making progress in international trade policy is a formidable challenge in this dynamic global economy. Paul's unwavering dedication and commitment to bringing prosperity to the world through trade and economic interdependence will pay dividends for our nation well into the future.

Mr. President, it is my great pleasure to pay tribute and say thank you to Paul Drazek, and I wish him, his wife Sue and their two sons, Keith and Greg, the best in all of their future endeavors.●

ORDERS FOR WEDNESDAY, SEPTEMBER 30, 1998

Mr. DOMENICI. Mr. President, on behalf of the leader, I ask unanimous consent that when the Senate completes its business today it stand in recess until 9:30 a.m. on Wednesday, September 30; I further ask unanimous consent that the time for the two leaders be reserved.

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

Mr. DOMENICI. I further ask unanimous consent that the Senate then proceed to a period of morning business until 12:30 p.m., with Senators permitted to speak for up to 10 minutes, with the following exceptions: The first 20 minutes under the control of Senator MURKOWSKI; 20 minutes under the control of Senator GRAMM of Texas; 25 minutes under the control of Senator ROBERTS; 30 minutes under the control of Senator MCCAIN; 30 minutes under the control of Senator HAGEL; 15 minutes under the control of Senator JOHNSON; 1 hour under the control of Senator DORGAN or his designee.

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

PROGRAM

Mr. DOMENICI. For the information of all Senators, when the Senate reconvenes on Wednesday at 9:30 a.m., there will be approximately 3½ hours for morning business. It is hoped that following the morning business period the Senate will be able to proceed to the DOD authorization conference report and/or the American Wetlands Conservation Act—hopefully, both items to be considered under time agreements. Members are reminded that no votes will occur during Wednesday's session of the Senate in observance of the Jewish holiday.

All votes ordered will be postponed to occur at approximately 10 a.m. on Thursday. All Senators will be notified when votes are scheduled to occur.

DESIGNATING A PORTION OF INTERSTATE 70 IN MISSOURI AS ''MARK MCGWIRE INTERSTATE ROUTE 70''

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of S. 2531 introduced earlier today by Senator BOND.

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

The clerk will report.

The legislative clerk read as follows:

A bill (S. 2531) to designate a portion of Interstate Route 70 in Missouri as ''Mark McGwire Interstate Route 70.''

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

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

Mr. DOMENICI. Mr. President, I ask unanimous consent that the bill be deemed read the third time, and passed, that the motion to reconsider be laid upon the table, and that any statements relating to the bill appear at this point in the RECORD.

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

The bill (S. 2531) was deemed read the third time, and passed, as follows:

S. 2531

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

SECTION 1. DESIGNATION OF MARK MCGWIRE INTERSTATE ROUTE 70.

The portion of Interstate Route 70 from the Blanchette Bridge at the border between St. Charles County and St. Louis County, Missouri, through St. Louis County, to the Mississippi River at the border between the States of Missouri and Illinois shall be known and designated as ''Mark McGwire Interstate Route 70''.

SEC. 2. REFERENCES.

Any reference is a law, map, regulation, document, paper, or other record of the United States to the portion of Interstate Route 70 referred to in section 1 shall be deemed to be a reference to Mark McGwire Interstate Route 70.

UNANIMOUS CONSENT AGREEMENT—S. 1677

Mr. DOMENICI. Mr. President, regarding Senate bill 1677, the North American Wetlands bill, I ask unanimous consent that it be in order for the majority leader, after consultation with the Democratic leader, to proceed to the consideration of calendar No. 417, S. 1677, and that it be considered under the following limitations:

The only amendment in order to the bill be an amendment by Senator CHAFEE regarding membership.

I further ask unanimous consent that there be 1 hour for debate on the bill, equally divided in the usual form, and following the disposition of the amendment and the expiration of the debate time, the bill be read the third time and passed, with the motion to reconsider laid upon the table.

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

RECESS UNTIL 9:30 A.M. TOMORROW

Mr. DOMENICI. Mr. President, if there is no further business to come before the Senate, I now ask that the Senate stand in recess under the previous order.

There being no objection, the Senate, at 6:40 p.m., recessed until Wednesday, September 30, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate September 29, 1998:

DEPARTMENT OF HOUSING AND URBAN AFFAIRS

IRA G. PEPPERCORN, OF INDIANA, TO BE DIRECTOR OF THE OFFICE OF MULTIFAMILY HOUSING ASSISTANCE RESTRUCTURING. (NEW POSITION)

DEPARTMENT OF TRANSPORTATION

ALBERT S. JACQUEZ, OF CALIFORNIA, TO BE ADMINISTRATOR OF THE SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION FOR A TERM OF SEVEN YEARS, VICE GAIL CLEMENTS MCDONALD, RESIGNED.

ASHISH SEN, OF ILLINOIS, TO BE DIRECTOR OF THE BUREAU OF TRANSPORTATION STATISTICS, DEPARTMENT OF TRANSPORTATION, FOR THE TERM OF FOUR YEARS, VICE TRIRUVARUR R. LAKSHMANAN, RESIGNED.

NUCLEAR REGULATORY COMMISSION

JEFFREY S. MERRIFIELD, OF NEW HAMPSHIRE, TO BE A MEMBER OF THE NUCLEAR REGULATORY COMMISSION FOR THE TERM EXPIRING JUNE 30, 2002, VICE KENNETH C. ROGERS, TERM EXPIRED.

IN THE AIR FORCE

THE FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT IN THE RESERVED OF THE AIR FORCE, TO THE GRADES INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIG. GEN. WALTER R. ERNST II, 0000.
BRIG. GEN. BRUCE W. MACLANE, 0000.
BRIG. GEN. PAUL A. POCHMARA, 0000.
BRIG. GEN. MASON C. WHITNEY, 0000.

To be brigadier general

COL. RONALD J. BATH, 0000.
COL. JOHN H. BUBAR, 0000.
COL. VERNA D. FAIRCHILD, 0000.
CO. ROBERT I. GRUBER, 0000.
COL. MICHAEL J. HAUGEN, 0000.
COL. WALTER L. HODGEN, 0000.
COL. LARRY V. LUNT, 0000.
COL. WILLIAM J. LUTZ, 0000.
COL. STANLEY L. PRUETT, 0000.
COL. WILLIAM K. RICHARDSON, 0000
COL. RAVINDRA F. SHAH, 0000.
COL. HARRY A. SIEBEN, JR., 0000.
COL. EDWARD N. STEVENS, 0000.
COL. MERLE S. THOMAS, 0000.
COL. STEVEN W. THU, 0000.
COL. FRANK E. TOBEL, 0000.
COL. DAVID F. WHERLEY, JR., 0000.

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

To be major

JEFFREY M. DUNN, 0000.

IN THE COAST GUARD

THE FOLLOWING NAMED INDIVIDUAL FOR APPOINTMENT AS A PERMANENT REGULAR OFFICER IN THE UNITED STATES COAST GUARD IN THE GRADE INDICATED UNDER TITLE 14, U.S. CODE, SECTION 211:

To be lieutenant

RICHELLE JOHNSON, 0000.

THE FOLLOWING NAMED OFFICERS FOR PROMOTION TO THE GRADES INDICATED IN THE UNITED STATES COAST GUARD UNDER TITLE 14, U.S.C., SECTION 189:

To be captain

ROBERT J. FULLER, 0000.
RICHARD J. HARTNETT, 0000.

To be commander

JOHN B. MCDERMOTT, 0000.

CHEMICAL SAFETY AND HAZARD INVESTIGATION BOARD

ISADORE ROSENTHAL, OF PENNSYLVANIA, TO BE A MEMBER OF THE CHEMICAL SAFETY AND HAZARD INVESTIGATION BOARD FOR A TERM OF FIVE YEARS. (NEW POSITION)

EXTENSIONS OF REMARKS

INTRODUCTION OF THE MEDICARE HMO IMPROVEMENT ACT OF 1998

HON. SAM GEJDENSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 29, 1998

Mr. GEJDENSON. Mr. Speaker, I rise today to introduce the Medicare HMO Improvement Act of 1998.

Earlier this month, nearly 8,000 seniors in my district received perhaps the most frightening news any American can get. Their Medicare HMOs informed them that they are terminating their health insurance by the end of the year. Some of these seniors were recruited only months before through aggressive company marketing campaigns.

Insurers came to the federal government and said ''We're private industry, we can run Medicare better than you can while giving more services to seniors. Give us a chance.'' Well, we gave them a chance and they let our seniors down. They thought they could just jump in and jump out of my district without regard to the health and well-being of the seniors that they had signed up just months ago. This is not acceptable. That is not a responsible way to do business.

The termination announcements sent shock waves through Tolland, Windham and New London counties. At a public meeting that I hosted with Senator CHRIS DODD to discuss this action, 400 seniors gathered to hear about their options for the future. The tension and desperation of my constituents was evident as they vented their frustration and anxiety. One of my constituents, whose wife had recently had a stroke, was so upset about what losing health insurance would mean to him and his wife that after asking a question he had a heart attack. That man, Frederick Kral, died on the way to the hospital.

Under the current system, Medicare HMOs can act with impunity. There is no accountability, no responsibility. Profits are all that matter. Patients and quality health care are secondary. This is just wrong.

My legislation will inject some accountability into the Medicare HMO system. It will change the contract term from one year to three years. This change is designed to discourage HMOs from making short-term promises to seniors only to terminate coverage a year later when they don't make quite as much money as they hoped. It gives the Secretary of Health and Human Services (HHS) authority to enjoin contract terminations for up to one year if public health will be seriously threatened, insurance coverage will be compromised, or the Governor of the state affected requests that the Secretary exercise this authority.

Moreover, my legislation is designed to discourage HMOs from ''cherry picking'' between regions within a state by offering coverage only in those areas with the highest reimbursement rates. It accomplishes this goal by requiring the Secretary of HHS to terminate all contracts a Medicare HMO has for a metropolitan statistical area (MSA) if that HMO terminates coverage in any portion of that MSA in that state. I selected the MSA as the geographical unit because it is already used in the law and should discourage ''cherry picking'' without reducing coverage on a state-wide basis. Finally, if a company terminates coverage and a beneficiary is currently undergoing treatment, this bill requires the HMO to provide 90 days of coverage to allow the patient to continue to receive such treatment. This will ensure that patients under active treatment will have a few additional months to make the transition to another doctor or health plan.

Mr. Speaker, what Medicare HMOs did in my district—and are doing in others across the country—is unreasonable and irresponsible. The Medicare HMO Improvement Act is a reasonable approach which will provide badly needed protection to older Americans.

THE DISTINGUISHED CAREER OF REPRESENTATIVE LEE HAMILTON OF INDIANA

SPEECH OF

HON. PATSY T. MINK

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Monday, September 28, 1998

Mrs. MINK of Hawaii. Mr. Speaker, it is with great pride and much sadness that I join my colleagues in saying ''Aloha' and paying tribute to one of our most respected Members, Congressman LEE HAMILTON. I met LEE over 30 years ago. We were both elected to Congress for the first time in the 1964 LBJ landslide election. Seventy-one Democrats were elected to the House that same year. We made history as the Class of 65. This 89th Congress passed some of the most important legislation: Medicare, the Elementary and Secondary Education Act, the War Against Poverty, and numerous youth programs.

When you leave, it will be just JOHN CONYERS and I to carry on the work of that famous freshman class of the 89th Congress.

It is hard to imagine a Congress without the strong, steady force of LEE HAMILTON. So many times he has been the voice of reason on the difficult and contentious issues in foreign policy. I have consistently relied on his advice and counsel on many issues, the Gulf War, Bosnia, Iran, Haiti, Russia, Kosova. His opinion and expertise is always respected even among those who did not agree with him. His knowledge about the subject matter and his thorough and conscientious review of all matters to assure the best policy for the good of the Nation are his special contribution to every debate.

Over the years LEE has dealt with numerous world situations and issues that seem so far away from his constituents back home. But no matter if he was dealing with Iran-Contra, weapons proliferation, or the Gulf War, LEE knew how to connect these events to the lives of his constituents.

Not many people think of LEE HAMILTON as a Liberal. I don't know if he would even like that label. But the LEE HAMILTON I know cared deeply about the needs of his people and he worked to make this a better world for our children. He fought to eradicate hunger and disease and worked to be sure education was always a high priority. He consistently proved to be a great supporter of programs to care for the most vulnerable.

In foreign policy as well as in domestic policy he worked diligently for a caring and compassionate outcome.

I know we will continue to see LEE leading this nation in some capacity, but LEE your daily presence here in the House will be missed. As an architect of our foreign policy your guidance for the past 30 years has produced the peace and stability which we now celebrate.

I wish you and Nancy all the best, as you enter this new phase in your life. As you spend time with your family please remember we still will need your advice and counsel. Best wishes and God speed.

CONFERENCE REPORT ON H.R. 4060, ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 1999

SPEECH OF

HON. SHEILA JACKSON-LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, September 28, 1998

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in support of H.R. 4060, the Energy and Water Development Appropriations for Fiscal Year 1999. I support this bill mainly because it provides $1,429,885 million for the Army Corps of Engineers construction programs. I am especially grateful that the conference agreement includes language proposed by the House to reimburse the non-Federal sponsor a portion of the Federal share of project costs for the White Oak Bayou, Texas project.

The Administration originally requested $9.4 million for the continued construction of the Sims Bayou Project in Houston, Texas. The Conference Committee specifically earmarked a total amount of $12 Million for the Sims Bayou project.

Mr. Speaker, the Sims Bayou Project is a project that stretches through my district. Over the course of recent years, the Sims Bayou has seen massive amounts of flooding. Citizens in my congressional district, have been flooded out of their homes, and their lives have been disrupted.

In 1994, 759 homes were flooded as a result of the overflow from the Sims Bayou. That is 759 families that were forced to leave their homes.

I mainly support the conference report, Mr. Speaker, because the subcommittee has earmarked in this bill $12 million for the construction and improvement of the Sims Bayou

project that will soon be underway by the Army Corps of Engineers.

I would like to thank the Army Corps of Engineers for their cooperation in bringing relief to the people of the 18th Congressional District in order to avoid dangerous flooding.

I am quite certain Mr. Speaker that this project would not have been able to go forward if this additional money would not have been granted by the conference committee.

For that I have to thank Chairman McDADE, Ranking Member FAZIO, and my friends and colleagues, CHET EDWARDS and MIKE PARKER who sit on the Appropriations Committee.

This must be done and I will work with the Army Corps of Engineers and local officials to ensure that this is done. I urge my colleagues to vote 'yes'' on this conference report.

TRIBUTE TO SOUTH FLORIDA FOOD RECOVERY—19 YEARS OF SERVICE TO THE NEEDY

HON. CARRIE P. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 29, 1998

Mrs. MEEK of Florida. Mr. Speaker, on October 16, 1998, South Florida Food Recovery will observe the anniversary of its 19th year of feeding the poor, needy and homeless throughout Miami-Dade County and all of South Florida. It is fitting that this is also World Food Day.

By any standard, South Florida Food Recovery is a remarkable organization. Its founder, the Honorable Jule Littman, who has served the City of North Miami Beach with distinction in many official capacities, saw a need in our community and sought to fill it. His vision, energy, organizational ability and perseverance has led to an alliance with 359 charitable agencies throughout Florida, through which South Florida Food Recovery provides supplemental meals to over 700,000 people each month—more than 4,200 tons of food this year, at no cost whatsoever to the recipients.

During the week of October 12, in cooperation with 302 schools in Dade County, South Florida Food Recovery will be collecting canned food for distribution to the needy. It will also dedicate its first new freezer truck, which was purchased with funds provided by the State of Florida and the Southland Corporation, based in Dallas, Texas.

In addition, since nutrition and health are so closely related, South Florida Food Recovery will complete the distribution of 500,000 toothbrushes, dental floss and toothpaste to elementary school students in Dade County, at no cost to students.

Mr. Speaker, all of our colleagues can benefit from the example set by South Florida Food Recovery. I join with our entire community in congratulating Jule Littman and his entire staff and volunteers for a job well done.

TRIBUTE TO GEORGE JESKO, DEPUTY SUPERINTENDENT OF THE LAMPHERE SCHOOLS

HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 29, 1998

Mr. LEVIN. Mr. Speaker, I rise to honor Mr. George Jesko, Deputy Superintendent of the Lamphere Schools after 33 years of service in several positions in the school district.

George first came to Lamphere Schools as a young Science teacher who also coached basketball, track and football. As a result of his success in coaching, he was named Coach of the Year after only two years. This was followed by the same honor six additional times.

George was not only a teacher and coach but also Athletic Director, Assistant High School Principal, Associate Superintendent and Deputy Superintendent of Human Resources/Athletics.

In addition to his school positions, George has been an active leader in community organizations. He served as President of the Oakland Association of Personnel Administrators, Chairman of the Council of Chief Negotiators, and has been very involved in the American Association of Personal Administrators, Michigan Employer Labor Relations, the Metro Bureau and Michigan Negotiators Association.

The Lamphere Schools have indeed been fortunate to have had the services and talent of this outstanding and dedicated individual. I commend him for his commitment to the students in providing the best educational environmental in both academics and athletics.

Mr. Speaker, I ask my colleagues to join me in wishing George Jesko good health, success and happiness as he enters a new phase in his life.

TAXPAYER RELIEF ACT OF 1998

SPEECH OF

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Saturday, September 26, 1998

Mr. VISCLOSKY. Mr. Speaker, I rise today to give my support to protecting 100 percent of the Social Security Trust Fund, and not using any of the projected surplus for tax cuts at this time. For over sixty years, Social Security has stood as one of our Nation's greatest success stories, providing all Americans with a basic level of retirement security.

Social Security is a contract between the citizens of the U.S. and their government. The people in this country are entitled to know that in retirement they will have security, live in dignity, and be provided with health care. Today, two-thirds of retirees in this nation depend upon Social Security to provide over half of their annual income. Our constituents should know that we, as the leaders of this country, are looking out for not only their future, but the future of their children. A vital requirement for protecting that future is saving Social Security first. Our constituents should be able to trust that their contributions to the Social Security Trust Fund are being used as intended.

I am opposed to cutting Social Security in order to provide tax cuts to those with higher incomes. As lawmakers, we owe it to the country to provide for the long-term fiscal health of Social Security and other federal retirement programs, and to ensure that these programs are available to future generations of Americans without increasing the payroll tax.

Some have suggested we should enact a series of major tax cuts in anticipation of the projected budget surplus. What these individuals neglect to point out is that almost all of the money to pay for their tax cuts would be drawn out of the Social Security Trust Fund and other federal trust funds—trust funds that should be preserved for their intended uses. The best tax cut we can give to the American family is a truly balanced federal budget. A balanced budget will lead to lower interest rates and strong economic growth. I am firmly committed to a balanced budget—a budget that protects Social Security for future generations.

In closing, let me say that the question of how to approach any budget surplus is one of the most important issues facing this country. I believe we should resist calls to spend the projected surplus and consider our options very carefully. Balancing the federal budget and keeping it balanced should continue to be one of this country's top priorities, and you can be assured that I remain absolutely committed to accomplishing these goals. We owe it to our constituents, our children, and ourselves to save Social Security.

TAXPAYER RELIEF ACT OF 1998

SPEECH OF

HON. PATSY T. MINK

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Saturday, September 26, 1998

Mrs. MINK of Hawaii. Mr. Speaker, I rise in opposition to H.R. 4578 (the ''Protect Social Security'' bill) and, by extension, its companion bill, H.R. 4579 (The Taxpayer Relief Act).

Current projections indicate there will be a substantial federal budget surplus over the next decade. According to the majority party, H.R. 4578 saves 90% of this projected surplus for Social Security, leaving the remaining 10% to finance the tax cuts in H.R. 4579—tax cuts worth $80 billion over five years and $177 billion over ten years. However, if one looks past the appealing rhetoric in support of H.R. 4578, it becomes evident that the bill is very irresponsible.

For example, even if the optimistic projections about the federal budget come true, the vastly greater portion—98%, to be more precise—of that surplus will be made up of the large yet temporary surplus in the Social Security Trust Fund. Indeed, if the Social Security surplus were excluded, there would be a $137 billion deficit in the 1999–2003 budget period and only a $31 billion surplus in the 1999–2008 budget period.

Given that the federal surplus in the 1999–2003 budget period will be entirely Social Security-based while the federal surplus in the 1999–2008 budget period will be almost entirely Social Security-based, it is evident that the 10% of the federal surplus that H.R. 4578 sets aside to finance the majority party's tax cuts represents a raid on Social Security.

H.R. 4578 is ill-advised and short-sighted, and I urge my colleagues to defeat it.

TRIBUTE TO MASTER SERGEANT GARY A. JACOBSON

HON. JOE SCARBOROUGH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 29, 1998

Mr. SCARBOROUGH. Mr. Speaker, I rise today to pay tribute to a young man who has dedicated his career to protecting the people of this great nation and ensuring the American way of life. This gentleman has distinguished himself as a diplomatic leader, a dedicated family man, and a decorated soldier in the United States Army. The man I speak about today is Master Sergeant Gary A. Jacobson, Liaison NCO of V (US/GE) Corps to II (GE/US) Korps.

Master Sergeant Jacobson was recently awarded the Bronze Cross of Honor of the Bundeswehr for his outstanding performance and his great service to the Bundeswher. He is deserving of that honor because of his positive attitude, honesty, and dedication that goes above and beyond the requirements of his duty as a US Liaison NCO.

Mr. Speaker, these accomplishments only begin to describe the caliber of a man like Master Sergeant Jacobson. Thomas Jefferson once said that the greatest honor of a man is in doing good to his fellow men. Gary Jacobson has certainly lived by that axiom. If you ask his colleagues to describe him, you would hear words like honest, loyal, dedicated, courageous, honorable, hard working, and a true gentleman.

Master Sergeant Jacobson's dedication to his country serves as a model in the lives of the hundreds of soldiers who have served with him. Gary Jacobson is truly an inspiration to the men and women in uniform from Northwest Florida and around the world.

INTRODUCTION OF THE ASTHMA ACT

HON. NITA M. LOWEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 29, 1998

Mrs. LOWEY. Mr. Speaker, today I am introducing the ASTHMA Act—Action Strategies To Help Millions of Asthmatics—on behalf of myself and my colleague from Texas, JOE BARTON. This bipartisan legislation, which is the result of months of research and preparation, will provide our nation with new tools to battle the epidemic of asthma that continues of affect millions of Americans—especially our children.

Asthma affects more than 14 million Americans, including almost 5 million children. Every year, asthma results in 500,000 hospitalizations and claims 5,500 lives. Since 1980, reports of asthma are up more than 75 percent. Tragically, the asthma-related death rate among children has risen equally fast. Asthma remains one of the leading causes of absenteeism from school and costs our nation more than $6 billion per year.

Mr. Speaker, public health experts do not have all of the answers, but they know plenty. We now have the collective knowledge and experience to help millions of sufferers control and manage their asthma. We can reduce absenteeism in school and the workplace, reduce costly ER visits and hospitalizations, and help millions of Americans live happier, more productive lives.

Earlier this year, the Daily News published an award-winning series of articles highlighting the asthma problem in New York City. The ASTHMA Act would go a long way to addressing those problems. It would expand federal asthma data collection efforts; promote new health guidelines on asthma prevention and treatment; educate the public about the dangers of asthma—and how to manage it; and improve the response of local schools and state children's health programs.

Our legislation is supported by organizations leading the battle against asthma, such as the American Lung Association, the Joint Council of Asthma, Allergy, and Immunology, Mothers of Asthmatics, as well as pharmaceutical manufacturers and managed care plans.

Mr. Speaker, asthma is not a partisan problem. It affects Texans and New Yorkers, Republicans and Democrats, men and women, and our children. As a nation we can and should be doing much better. I invite my colleagues to join Congressman BARTON and me in our effort to help asthmatics lead healthier, happier, more productive lives.

DEATH OF MURIEL HUMPHREY BROWN

HON. BILL LUTHER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 29, 1998

Mr. LUTHER. Mr. Speaker, Muriel Humphrey Brown's contributions to the state of Minnesota and the nation will always be remembered. Muriel was a truly wonderful human being and as the spouse of former-Vice President Hubert Humphrey and then as a United States Senator herself, Muriel secured a significant place for herself in history. With genuine care and optimism, Muriel and Hubert exemplified the very best of what it means to be an American while helping others understand the importance of social equality and public service. Muriel's motivation to push forward during hard times taught the nation a valuable lesson; ''we can do better.''

Muriel Humphrey balanced her many roles with incredible success. She created a loving, sheltered home life for her husband and four children, to counteract the national publicity surrounding their political life. In addition, Muriel campaigned whole-heartedly and as a politician's wife, she conducted her public role with poise and dignity. Muriel assumed Hubert's United States Senate seat after his death in January 1978, making her the only woman in the Senate at the time and the first female Senator ever from the state of Minnesota. Admired throughout her life, Muriel remains a role model and inspiration for all of us.

After her marriage to businessman Max Brown in 1981, Muriel stepped away from the spotlight and dedicated time to herself and her family. Although she never again pursued a life in politics, Muriel continued to teach a valuable lesson to those around her about addressing national and international issues, without forgetting one's roots. The death of this courageous woman marks a significant loss for both the people of Minnesota and the nation. She will be deeply missed.

THE SENIOR CITIZENS PROTECTION ACT

HON. RICK LAZIO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 29, 1998

Mr. LAZIO of New York. Mr. Speaker, I rise today to introduce a modified version of H.R. 4155, the Senior Citizen Protection Act. H.R. 4155 would expand the authority of state Medicaid Fraud Control Units (MFCUs) to investigate fraud and abuse beyond the Medicaid Program. H.R. 4155 would allow the states and their MFCUs to protect senior citizens by investigating all forms of health care fraud and empowering them to assist state and local authorities in investigations of abuse and neglect against residents in assisted living and other board and care facilities. This legislation would help Federal, state, and local officials crack down on rampant health care fraud and let each and every one of us feel secure that our loved ones are safe in their retirement years.

Legislation is necessary because current law prohibits Medicaid Fraud Control Units (MFCU) from pursuing Medicare fraud when it is uncovered through a Medicaid investigation. Many times, a MFCU referral to federal authorities does not result in investigation or prosecution. Also, MFCUs are prohibited from utilizing their resources and expertise to assist state and local authorities who are responsible for ensuring that patients receive quality care in assisted living residences and other residential care facilities.

After extensive conversations with the various stakeholders which could be affected by this legislation, I have made two modifications to H.R. 4155.

Today's bill modifies Section (2)(a) of H.R. 4155 by clarifying the authority between Federal officials and the MFCUs when the MFCUs decide to pursue an allegation of non-Medicaid fraud. Clearly, states should be empowered to pursue Medicare and other Federal health program fraud uncovered during a Medicaid investigation. However, this new provision would ensure that the inspector general of a federal agency which is responsible for eliminating Federal health care fraud retains the absolute discretion to take over the investigation and prosecution of the case. My expectation is that the HHS Inspector General and the U.S. Department of Justice will develop the appropriate protocols with the state Medicaid Fraud Control Units and the state Attorneys General to implement this legislation.

Today's bill also modifies Section (2)(c) of H.R. 4155 by clarifying the authority of MFCUs to investigate abuse in assisted living and other residential care facilities. Today's bill states that MFCUs may only investigate at the request of state and local agencies who have the current responsibility for ensuring quality care in such facilities under state law. The MFCUs have resources and expertise that clearly would benefit state agencies in the fight against abuse in senior's facilities. The cooperation and expertise of the MFCUs will

strengthen the investigative skills of state and local authorities.

These minor changes have strengthened an already excellent piece of legislation that will cut fraud and abuse in our Medicare system, restore balance in our health care system, and give us all a better quality of life.

Our government should be given all the tools necessary to combat fraud in our health care system and give Americans the peace of mind that their moms and dads are well cared for in their retirement years. We need to ferret out providers who rip off the system, and Americans need to rest comfortably at night knowing our family members and friends receive the highest quality health care without the fear of being physically, mentally, or financially abused. I urge my colleagues to support the Senior Citizens Protection Act of 1998 because it will provide health care security to our seniors and restore their trust in the people who care for them from morning until night.

CANCER RESEARCH

HON. RON PACKARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 29, 1998

Mr. PACKARD. Mr. Speaker, this past weekend thousands of people were gathered in towns all around America to discuss cancer relief. These cancer survivors and supporters should be commended for their commitment to achieving more research funding for our nation's second leading cause of death.

Nearly everyone has had their life touched by someone who has suffered from cancer. This year, more than 565,000 Americans will die from cancer. That's one in every four deaths in this country! Those are not good odds for the 1.2 million people who will be diagnosed with cancer this year alone. We must put a stop to this awful disease.

A cure for cancer would change our world forever. A seven year old little boy may get to spend one more week with his dad, a 12 year old little girl may get to go to high school, and a grandmother may have the opportunity to see her granddaughter get married. Without our help, none of these things may be achieved.

Mr. Speaker, I encourage my Colleagues to focus more of our efforts toward the cause, care and cure of cancer. Let's put a stop to this nightmare that haunts our Nation.

THREE FINE DOCTORS WHO CAN ERASE THE PAST.

HON. STEPHEN HORN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 29, 1998

Mr. HORN. Mr. Speaker, I rise to pay tribute to Drs. Bryna Kane, Edward Glassberg and Wendy Hoffman, who are offering their medical services to help former gang members turn their lives around. With the help of Long Beach Memorial Medical Center, the Long Beach Health Department, and the Long Beach Police Department, Drs. Kane, Glassberg, and Hoffman lead Erase the Past, a new program that removes the tattoos of former gang members for free in exchange for community service.

All of us, especially those of us from urban areas, are well aware of the terror that gangs can cause. Los Angeles County alone has approximately 1,000 gangs. Many young people are lured into joining gangs and regret it later. Some find it nearly impossible to leave that part of their lives behind them, however, because of the tattoos they were scarred with as gang members. As a visible sign of a violent past, gang tattoos can make it difficult for former gang members to find jobs and rebuild their lives.

Dr. Kane is all too familiar with unwanted tattoos. She is the daughter of Holocaust survivors, and she remembers vividly the tattoos that the Nazis had burned into the skin of family friends. Those tattoos were an unmistakable and inescapable reminder of the Nazi death camps.

Dr. Kane, a dermatologist, and Drs. Glassberg and Hoffman organized Erase the Past to give these individuals a better chance to leave the world of gang violence. They remove tattoos once every month at Long Beach Memorial. This program is available free of charge to those ages 14 to 25 who have not had a reported gang incident in the past six months. In exchange for the one-hour tattoo removal session, the individual must perform five hours of community service. The removal of a tattoo can require up to three or four treatments.

Erase the Past gives young people a helping hand in leaving gangs and helps them remove a major obstacle to becoming a productive member of society. It also encourages community service. All of the benefits spring from the generosity and ingenuity of these three doctors and the organizations and agencies assisting them. Drs. Kane, Glassberg, and Hoffman and Long Beach Memorial Medical Center, the Long Beach Health Department, and the Long Beach Police Department deserve our gratitude and praise.

Mr. Speaker, I have added a wonderful article on Erase the Past. It is written for the Press-Telegram by a very fine reporter, Bonnie Heald.

PURGING THEIR PAINFUL PAST

As a young child and daughter of holocaust survivors, Bryna Kane clearly remembers the visible and permanent sign of the Nazi death camps—the tattoos crudely burned into her relatives' arms.

Today, Dr. Bryna Kane is committed to removing more modern tattoos that also are painful reminders of the past—those of former gang members.

Kane, a Long Beach dermatologist, and her partners, Drs. Edward Glassberg and Wendy Hoffman, launched a program at Long Beach Memorial Medical Center on Wednesday to help youths remove the visible emblems that stigmatize them as gang members.

The program, called Erase the Past, offers former gang members free tattoo removals in exchange for community service. The tattoo removal program will be held once a month at the medical center for people between the ages of 14 and 25.

All participants will be screened and must have clean police and probation records without a reported gang incident in the past six months, Kane says.

For each hour-long session of tattoo removal, the participant must perform five hours of community service. Complete tattoo removals may take three to four sessions, Kane says.

''These are kids who want to change,'' Kane says. ''A tattoo is the last vestige of a life they want to forget.''

Kane and Glassberg use an ND–YAG laser, the latest technology for tattoo removal, that they purchased for their private Long Beach practice.

Kane's interest in tattoos stems from her childhood in the 1950s.

''I remember so vividly my parents' summer parties. It was 80 degrees, and all these people were wearing long sleeves because they didn't want anyone to see the tattoos the Nazis had burned into their arms. . . . I was a child, so I was eye-level to these peoples' tattoos. I remember them as ugly scars.

The Long Beach Police Department is providing the program with volunteers for some of the administrative tasks, says Lt. Torben Beith, the officer in charge of the department's gang enforcement section.

A lot of organizations are involved with the program, says Beith, who has been attending monthly planning meetings since last November.

''The tattoos are an excuse, especially for the older ex-gang members,'' he says. ''They say 'I can't get a job because I've got tattoos.'

''We're targeting younger kids. A lot of them want to get out.''

Alvin Bernstein, superintendent of the gang intervention/prevention unit for the city of Long Beach sees many young people who want a fresh start, he says.

''They realize they have made a huge mistake, both male and female,'' he says. His office, along with the Police Department and the Los Angeles County District Attorney's Office refer former gang members to Kane's growing list of young people who want to be rid of the visible signs of their former gangs.

There's already a huge waiting list, says Long Beach Mayor Beverly O'Neill, who joined the program's kick-off party at Memorial Hospital on Wednesday.

O'Neill would like to see the city help fund the purchase or rental of a second laser machine, she says. Each laser costs between $80,000 to $100,000.

Chris Van Gorder, Memorial Medical Center's chief executive officer, has offered the hospital's help in raising money for a second laser. Memorial is providing support staff, facilities, space and security for the program.

As a former police officer, as well as a health care administrator, Van Gorder understands the difficulties faced by young people laden with visible tattoos.

Van Gorder, the former police officer, believes the one-on-one program between doctor and patient can help change a youthful attitude, he says. With gang-related tattoos, ''they don't have a chance to get through the initial (job) interview,'' he says.

And Van Gorder the health care provider adds, ''Maybe we can keep some of these kids out of our trauma center.''

Anyone wishing to donate to the Erase the Past program, can send a check made payable to the Memorial Medical Center Foundation for Erase the Past, 2801 Atlantic Ave., Long Beach, CA., 90801–3652.

Tuesday, September 29, 1998

Daily Digest

HIGHLIGHTS

Senate agreed to DOD Appropriations Conference Report/Energy and Water Appropriations Conference Report/ and Higher Education Authorizations Conference Report.

Senate

Chamber Action

Routine Proceedings, pages S11069–S11134

Measures Introduced: Seven bills and one resolution were introduced, as follows: S. 2525–2531, and S. Con. Res. 121. **Page S11122**

Measures Reported: Reports were made as follows:

H.R. 4342, to make miscellaneous and technical changes to various trade laws, with an amendment in the nature of a substitute. (S. Rept. No. 105–356) **Page S11122**

Measures Passed:

Designation of Mark McGwire Interstate Route 70: Senate passed S. 2531, to designate a portion of Interstate Route 70 in Missouri as ''Mark McGwire Interstate Route 70''. **Pages S11133–34**

INTERNET TAX FREEDOM ACT—CLOTURE VOTE: By 89 yeas to 6 nays (Vote No. 292), three-fifths of those Senators duly chosen and sworn having voted in the affirmative, Senate agreed to close further debate on the motion to proceed to consideration of S. 442, to establish a national policy against State and local government interference with interstate commerce on the Internet or interactive computer services, and to exercise Congressional jurisdiction over interstate commerce by establishing a moratorium on the imposition of exactions that would interfere with the free flow of commerce via the Internet. **Pages S11085–87, S11103**

HIGHER EDUCATION AUTHORIZATIONS—CONFERENCE REPORT: By a unanimous vote of 96 yeas (Vote No. 290), Senate agreed to the conference report on H.R. 6, to extend the authorization of programs under the Higher Education Act of 1965, clearing the measure for the President. **Pages S11069–80, S11084**

DEFENSE APPROPRIATIONS—CONFERENCE REPORT: By 94 yeas to 2 nays (Vote No. 291), Senate agreed to the conference report on H.R. 4103, making appropriations for the Department of Defense for the fiscal year ending September 30, 1999, clearing the measure for the President. **Pages S11080–85**

ENERGY AND WATER APPROPRIATIONS—CONFERENCE REPORT: Senate agreed to the conference report on H.R. 4060, making appropriations for energy and water development programs for the fiscal year ending September 30, 1999, clearing the measure for the President. **Pages S11116–19**

NORTH AMERICAN WETLANDS CONSERVATION ACT—AGREEMENT: A unanimous-consent agreement was reached providing for the consideration of S. 1677, to reauthorize the North American Wetlands Conservation Act and the Partnerships for Wildlife Act. **Page S11134**

Nominations Received: Senate received the following nominations:

Ira G. Peppercorn, of Indiana, to be Director of the Office of Multifamily Housing Assistance Restructuring.

Albert S. Jacquez, of California, to be Administrator of the Saint Lawrence Seaway Development Corporation for a term of seven years.

Ashish Sen, of Illinois, to be Director of the Bureau of Transportation Statistics, Department of Transportation, for the term of four years.

Jeffrey S. Merrifield, of New Hampshire, to be a Member of the Nuclear Regulatory Commission for the term expiring June 30, 2002.

Isadore Rosenthal, of Pennsylvania, to be a Member of the Chemical Safety and Hazard Investigation Board for a term of five years.

21 Air Force nominations in the rank of general.

Routine lists in the Coast Guard, Marine Corps. **Page S11134**

Messages From the House: Page S11121
Measures Placed on Calendar: Page S11121
Communications: Pages S11121–22
Petitions: Page S11122
Statements on Introduced Bills: Pages S11122–27
Additional Cosponsors: Pages S11127–28
Amendments Submitted: Page S11128
Notices of Hearings: Page S11128
Additional Statements: Pages S11128–33

Record Votes: Three record votes were taken today. (Total—292) Pages S11084–85

Recess: Senate convened at 10 a.m., and recessed at 6:40 p.m., until 9:30 a.m., on Wednesday, September 30, 1998. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S11133.)

Committee Meetings

(Committees not listed did not meet)

MILITARY READINESS

Committee on Armed Services: Committee concluded hearings to examine the status of United States military forces and their ability to successfully execute the National Military Strategy, after receiving testimony from Gen. Henry H. Shelton, USA, Chairman of the Joint Chiefs of Staff; Gen. Dennis J. Reimer, USA, Chief of Staff of the Army; Gen. Charles C. Krulak, USMC, Commandant of the Marine Corps; Adm. Jay L. Johnson, USN, Chief of Naval Operations; and Gen. Michael E. Ryan, USAF, Chief of Staff of the Air Force.

NATIONAL EXPORT STRATEGY

Committee on Banking, Housing, and Urban Affairs: Committee concluded hearings to examine the Trade Promotion Coordinating Committee annual report on the status of the National Export Strategy, after receiving testimony from William M. Daley, Secretary of Commerce.

MIGRATORY BIRD TREATY REFORM ACT

Committee on Environment and Public Works: Committee concluded hearings on H.R. 2863, to amend the Migratory Bird Treaty Act to clarify restrictions under that Act on baiting, and to facilitate acquisition of migratory bird habitats, after receiving testimony from Senators Cochran and Breaux; Kevin Adams, Chief, Office of Law Enforcement, U.S. Fish and Wildlife Service, Department of the Interior; Brent Manning, Illinois Department of Natural Resources, Springfield, on behalf of the International Association of Fish and Wildlife Agencies; Douglas B. Inkley, National Wildlife Federation, Vienna, Virginia; Tanya K. Metaksa, National Rifle Association Institute for Legislative Action, Fairfax, Virginia; and Laura C. Hood, Defenders of Wildlife, Washington, D.C.

NOMINATIONS

Committee on Foreign Relations: Committee concluded hearings on the nominations of Simon Ferro, of Florida, to be Ambassador to the Republic of Panama, and R. Rand Beers, of the District of Columbia, to be Assistant Secretary of State for International Narcotics and Law Enforcement Affairs, after the nominees testified and answered questions in their own behalf. Mr. Ferro was introduced by Senator Graham and Representative Diaz-Balart.

House of Representatives

Chamber Action

Bills Introduced: 1 public bill, H.R. 4655, was introduced. Page H9188

Reports Filed: No reports were filed today.

Speaker Pro Tempore: Read a letter from the Speaker wherein he designated Representative Burr to act as Speaker pro tempore for today. Page H9181

Meeting Hour—Thursday, October 1: Agreed that when the House adjourns today, it adjourn to meet at 2:00 p.m. on Thursday, October 1. Page H9182

Senate Messages: Message received from the Senate today appears on page H9181.

Quorum Calls—Votes: There were no quorum calls or recorded votes during the proceedings of the House today.

Adjournment: The House met at 10:00 a.m. and adjourned at 10:40 a.m.

Committee Meetings

IMPROVING PRICE COMPETITION FOR MUTUAL FUNDS AND BONDS

Committee on Commerce: Subcommittee on Finance and Hazardous Materials held a hearing on Improving Price Competition for Mutual Funds and Bonds. Testimony was heard from Arthur Levitt, Jr., Chairman, SEC; and public witnesses.

HIV PARTNER PROTECTION ACT

Committee on Commerce: Subcommittee on Health and Environment held a hearing on H.R. 4431, the HIV Partner Protection Act. Testimony was heard from Representatives Ackerman, Pelosi and Weldon of Florida; Helene Gayle, M.D., Director, National Center for HIA, STD and TB Prevention, Centers for Disease Control and Prevention, Department of Health and Human Services; Assemblywoman Nettie Mayersohn, State of New York; Jean Flatley McQuire, Acting Director, HIV/AIDS Bureau, Associate Commissioner, Department of Public Health, State of Massachusetts; and public witnesses.

TEAMSTER'S ELECTION UPDATE

Committee on Education and the Workforce: Subcommittee on Oversight and Investigations held a hearing on Correcting Corruption: An Update on the Re-run of the 1996 Teamsters Election. Testimony was heard from Michael G. Cherkasky, Election Officer, International Brotherhood of Teamsters.

OVERSIGHT—RESEARCH IN NATIONAL MARINE SANCTUARIES

Committee on Resources: Subcommittee on Fisheries Conservation, Wildlife and Oceans held an oversight hearing on research in National Marine Sanctuaries. Testimony was heard from Nancy Foster, Assistant Administrator, NOAA, Department of Commerce; and public witnesses.

OVERSIGHT—GARRISON UNIT REFORMULATION; PERKINS COUNTY RURAL WATER SYSTEM ACT

Committee on Resources: Subcommittee on Water and Power held an oversight hearing on Garrison Unit Reformulation. Testimony was heard from Senators Conrad and Dorgan; Representative Pomeroy; Eluid Martinez, Commissioner, Bureau of Reclamation, Department of the Interior; Ed Schafer, Governor, North Dakota; John Dorso, Representative, State of North Dakota; Bruce Furness, Mayor, Fargo, North Dakota; Ronald Nargang, Deputy Commissioner, Department of Natural Resources, State of Minnesota; and public witnesses.

The Subcommittee also held a hearing on H.R. 1213, Perkins County Rural Water System Act of 1997. Testimony was heard from Eluid Martinez, Commissioner, Bureau of Reclamation, Department of the Interior; and a public witness.

U.S. SPACEPOWER IN THE 21ST CENTURY

Committee on Science: Subcommittee on Space and Aeronautics, the Subcommittee on Military Research and Development and the Subcommittee on Military Procurement, of the Committee on National Security held a joint hearing on U.S. Spacepower in the 21st Century. Testimony was heard from Keith Hall, Assistant Secretary, Air Force, Department of the Air Force; Daniel R. Mulville, Chief Engineer, NASA; and public witnesses.

AVIATION ISSUES RELATED TO YEAR 2000 COMPUTER PROBLEM Y2K

Committee on Transportation and Infrastructure: Subcommittee on Government Management, Information, and Technology of the Committee on Government Reform and Oversight and the Subcommittee on Technology of the Committee on Science held a joint hearing to review Aviation Issues related to the Year 2000 Computer Problem Y2K: Will We Get There on Time? Testimony was heard from Jane F. Garvey, Administrator, FAA, Department of Transportation; John J. Kelly, Jr., Assistant Administrator, Weather Services, NOAA, Department of Commerce; former Representative William F. Clinger, Jr., of Pennsylvania; and public witnesses.

OVERSIGHT—U.S. COAST GUARD'S DRUG INTERDICTION STRATEGY

Committee on Transportation and Infrastructure: Subcommittee on Coast Guard and Maritime Transportation held an oversight hearing on the Overview of the U.S. Coast Guard's Drug Interdiction Strategy. Testimony was heard from the following officials of the U.S. Coast Guard, Department of Transportation: Adm. James M. Loy, Commandant; Comdr. Steve Ratti; Lt. Comdr. Joe Hester; Lt. David Bullock; and Boatswain's Mate First Class Robert Hoglund.

Joint Meetings

HEAD START/COMMUNITY SERVICES BLOCK GRANT/LOW-INCOME HOME ENERGY ASSISTANCE

Conferees met to resolve the differences between the Senate- and House-passed versions of S. 2206, authorizing funds for programs of the Head Start Act, the Low-Income Home Energy Assistance Act of 1981, and the Community Services Block Grant Act, and to establish demonstration projects that provide an opportunity for persons with limited means to accumulate assets, but did not complete action thereon, and recessed subject to call.

NEW PUBLIC LAWS

(For last listing of Public Laws, see DAILY DIGEST, *p. D1061)*

S. 2112, to make the Occupational Safety and Health Act of 1970 applicable to the United States Postal Service in the same manner as any other employer. Signed September 28, 1998. (P.L. 105–241)

COMMITTEE MEETINGS FOR WEDNESDAY, SEPTEMBER 30, 1998

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Indian Affairs, business meeting, to consider pending calendar business; to be followed by hearings on S. 2010, to provide for business development and trade promotion for Native Americans, 9:15 a.m., SR–485.

House

No Committee meetings are scheduled.

Next Meeting of the SENATE

9:30 a.m., Wednesday, September 30

Senate Chamber

Program for Wednesday: After the recognition of seven Senators for speeches and the transaction of any morning business (not to extend beyond 12:30 p.m.), Senate may consider the conference report on H.R. 3616, DOD Authorizations, S. 1677, American Wetlands Conservation Act, or any legislative or executive items cleared for action.

Next Meeting of the HOUSE OF REPRESENTATIVES

2 p.m., Thursday, October 1

House Chamber

Program for Thursday: To be announced.

Extensions of Remarks, as inserted in this issue

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